

UNION TERRITORY
ADMINISTRATION
IN
INDIA

UNION TERRITORY ADMINISTRATION IN INDIA

*An Analysis of Constitutional, Administrative
and Political Trends*

SUDESH K. SHARMA

With a Foreword by
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To

Dr. Jagan Nath Khosla

A man of vision, farsight & determination

Foreword

This is a study of the working of administration of the Union Territories of India. The author Shri S.K. Sharma describes the constitutional set up of the Republic of India, relations between the Centre and the States and the origin and history of Union Territories before and after Independence. He also introduces the reader to the people who inhabit these territories and describes their culture, language and beliefs. He classifies these territories into four types. In the first type he deals with territories where there are elected legislatures as in Goa, Daman and Diu, Himachal Pradesh, Manipur etc. In the second category is the Union Territory of Delhi which has got a Metropolitan Council and a Lieutenant Governor. In the third category are Union Territories like Chandigarh, which are administered by Chief Commissioners with or without the aid of Advisory Committees. In the fourth category is the territory like NEFA (Tract) which is governed by the Governor of Assam. He also describes the legislatures, their parliamentary procedures etc. He also briefly deals with the judicial set up in these territories, and in the last chapter he deals with some of their problems.

2. This is the first attempt to probe into the working of the administration in the Union Territories of India in an integrated manner. The author is to be congratulated for the pains which he has taken in bringing together so much useful information and presenting it in this manner. It is due to special circumstances that these territories have been created and so long these circumstances exist they would continue. In many of the Union Territories the administration is dynamic and functions with speed and efficiency. This is due to the fact that administration functions like a project and is in close touch with its problems which are confined to a small area. Chandigarh Union Territory is itself an example of this type of arrangement and there is a consensus of opinion that since this area has been organised into a Union Territory it has

Introduction

I have great pleasure in writing the introduction to Shri Sudesh Sharma's book *Union Territory Administration in India*. The study is a pioneer venture and fills a long felt need. The author has taken great pains to marshal the facts and has given an interesting and readable account of the subject. He has written ably on a topic which has been a little touched upon yet, and deserves to be congratulated on this venture. He has dealt with the subject in an objective manner, steering clear of controversies.

Both for form and substance, the book is a pleasing addition to the limited literature on the subject. This handy volume, written in lucid and unambiguous style, will, I hope, go a long way in throwing light on the administration of Union Territories and meet the needs of those readers who would like to acquaint themselves with the subject in a general way. The bibliography and Index given at the end of the book will prove useful for reference.

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Preface

The organisational set-up of the Union Territories presents a baffling zig-zaw puzzle, but in the macrocosm of Government their study is a fountain of inspiration. The present set-up of administration emerged as our expedient solution for the problems of jurisdictional fragmentation. Should it be the lasting solution? Would not the prolonging of the present status be regarded as undemocratic and un-constitutional? Many such problems have been posed during this study, but the ideal had been to suggest an administration which should be firm like a rock, with remarkable tenacity to withstand the vicissitudes of history. The Union Territories are an enormous plant, with mile upon mile of neighbourhood, built in another way. Scores and scores of books and articles, have been written on Centre-State relations and on State or Union Politics in India but why is this step motherly treatment met out to Union Territories? Don't they form a part of Indian Union?

As in all such studies, my first debt is to my benefactors—the scores of friends and the hundreds of officials. The limitations of the study and the shortcomings may be disheartening to a few well-wishers of mine, but while undertaking the project, I was reminded of R.C. Trench's words, "to make mistakes as we are on the way to knowledge is far more honourable than to escape making them through never having set out to seek knowledge". If there are certain inaccuracies and material which might change by the time the book comes into readers' hands, my only pretence is that in administration changes take place not only too often but in quick succession. To keep pace with them would be preposterous and impossible.

Dr. M.S. Randhawa initiated me into the project, placed all his resources at my disposal and finally consented to add a Foreword to this study. A dynamic personality, with prodigious scholarship and prolific writer, the present work is the outcome of his vision and generosity. The very fact that such a study has been taken up only in his jurisdiction shows the respect, accommodation and facilities which he can provide to those who are desirous of writing something. For an ideal State, Plato was anxious to find a philosopher King. Is not Chandigarh lucky enough—not only to get a Philosopher King in Dr. Randhawa but also an Artist King with vision and sharp intellect. Dr. A. N. Jha has impressed me for imaginative understanding

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Constitutional Set-up

India, after all became free on 15th August, 1947. The journey had been long and arduous. Like pilgrims the people had suffered and endured. Like petals many of them fell.

Standing on the threshold of new aspirations, new responsibilities, immersed also in the joyous celebration of the great moment, it was but natural for the people to reflect on the phase that had ended. Recollections were varied and many. The wrongs that were suffered, the sacrifices that were made, the saga of heroism, datings with death—all these were unfolded before the mind's eye. The sensitive heart of the nation could not but feel a deep gratitude towards all those, the known and unknown pilgrims who had sped the thorny way to freedom, giving peace to others so that they may live and prosper.

India, the seventh largest and the second most populous country in the world, lies entirely in the northern hemisphere, the main land extending between latitudes $8^{\circ} 4'$ and $37^{\circ} 6'$ North and longitudes $68^{\circ} 7'$ and $97^{\circ} 25'$ East. Geographically, it consists of the great mountain zone of the Himalayas, the Indo-Gangetic Plain and the Southern Peninsula. The economy is predominantly agricultural, material and human resources are capable of fuller exploitation and more intensive utilization. Climate varies from the tropical heat of Southern India to the nearly Arctic cold of the Himalayas. There are about 850 Indian languages spoken by less than a lakh persons each and 63 non-Indian languages. About 91% of the population speak one of fourteen languages specified in the Constitution.

The country endeavours to promote international peace and security, maintain just and honourable relations between nations, and to foster respect for international law and treaty

transferable vote, acts as President until the date on which a new President is elected.

The President exercises his functions under the Constitution with the aid and advice of a Council of Ministers with the Prime Minister at the head. Like the Canadian or the Australian Federation, there is supremacy of the legislature, from which the executive derives its mandate and authority. Legislature for the Union, consists of the President and two Houses known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The Upper House *e.g.*, Council of States consists of 12 members nominated by the President and not more than 238 representatives of the States and of the Union territories, the representatives of the States being elected by the elected members of the Legislative Assemblies of the States. The House of the People consists of not more than 500 members elected on the basis of adult franchise by territorial constituencies in the States and not more than 20 members representing Union Territories chosen in such manner as Parliament may by law provide.

There is single chain of hierarchical judicial organization, with the Supreme Court at the apex, the High Courts in The States sub-ordinate to the Supreme Court, and lower courts sub-ordinate to the High Court. The Constitutional Law, the Civil and Criminal Law and other laws are uniformly applied and administered by all the Courts in India. There is demarcation of legislative and executive authority in the judicial field between the Union and the States. In the matter of safeguarding the Constitution and in determining the constitutionality of the laws made by Federal or State Legislatures, the American Supreme Court has an edge over its Indian counterpart. The Indian President, if he thinks that a question of law or fact has arisen which is of such a nature and of such public importance that it is necessary to obtain the opinion of the Supreme Court on it, may refer the question to the court for consideration and the court may, after such hearing as it thinks fit, report its opinion to the President.

Constitution also establishes certain union authorities such as the Comptroller and Auditor-General, the Election Commission, the Union Public Service Commission, the Special Officer for Scheduled Castes and Scheduled Tribes and the Special

can legislate ; all residuary powers belong exclusively to the federal government.

Union-State relations are governed, by the provisions contained in Part XI of the Constitution which contains nineteen Articles (245-263) describing the legislative and administrative relations between the Union Government and the Governments of the States. The Constitution does not make any fundamental changes in the pattern of distribution of legislative powers as was done under the Government of India Act 1935. The distribution of legislative powers has been done in such a manner as would make India a single economic unit for the purpose of economic development of the country. The Constitution while conferring exclusive jurisdiction on the State Legislatures on State List provides for certain contingencies when the Union Parliament can legislate on the State List. There are three such cases ; when it is in the national interest that Parliament should legislate on a subject included in the State List ; when a proclamation of emergency is in operation ; when two or more States, by consent, require Parliament to legislate on a subject in the State List. There are some other provisions of the Constitution limiting and restricting the legislative autonomy of the States. The Governor is empowered to reserve a bill passed by the State Legislature for the consideration of the President. This has the effect of giving a veto to the President on State Legislation. The Parliament has also been authorised to make any law for executing the provisions of any treaty or international agreement.

The key to the Union-State administrative relations is to be found in Article 256 which states that the executive power of every State is to be so exercised as to assure the compliance of laws made by the Parliament. The Union Government is empowered to issue instructions to the States particularly relating to the construction and maintenance of means of communications of national importance and the protection of the railways and railway property within their respective boundaries. The Constitution empowers the Union Executive or Parliament to entrust to State Government or its officers certain executive functions which belong to the Union. During an emergency, the character of the Indian Constitution gets transformed, the federal traits are almost over-shadowed ; all

the wires then run to the Union-Capital. There are All-India Services, namely, the Indian Administrative Service and the Indian Police Service, which have brought greater co-ordination between the Union and the States and among the States themselves. The Governor is the representative of the Centre in the State and through him the Centre is able to keep its fingers on the pulse of events taking place in the State.

If federation is to work successfully, it is essential that both sets of Governments should have independent and adequate resources to stand upon their own legs. In Canada, Australia, Switzerland, and United States, at present financial resources "seem to have been so scrambled, if not so juggled, that it is difficult to tell the federal and the state resources apart". The sources of revenue have been clearly distributed between the Union and State Governments, while there are some sources which are levied and collected by the Union but are wholly allotted to the States. The States are absolutely entitled to the proceeds of the taxes on the State List, and the Union takes the proceeds of taxes on the Union List, and of any other tax not mentioned in any list. In order to help some of the economically backward States, Union Parliament can pay grants-in-aid out of the Consolidated Fund of India. The Union Government is empowered to borrow from any where it likes upon the security of the Consolidated Fund of India. During the period of Financial Emergency the Union Government may issue directions to the State Governments to observe such canons of financial propriety as may be set in the directions *e.g.*, reduction in the salaries and allowances of the State Public servants, reserving the money bills, etc. etc. The Constitution also provides for the appointment of a Finance Commission after every five years to recommend to the President the distribution of the taxes between the Centre and the States, and the principles on which grants should be made out of the Union revenues to the States.

The Constitution makers had a fear and a reasonable one that the fissiparous forces inherent in Indian society like communalism, casteism, provincialism, etc. must be under check by a strong central hand, otherwise they will rear their heads and endanger the unity and stability of the State. Indian history is full of fratricidal wars between regions and

communities. The diversity of loyalties sometimes assumes such a shape that it appears as if primitive tribalism is again going to raise its head to cut at the roots of Indian nationalism. There is an effective administrative nexus between the Union and the States, for the security and safety of either, and for securing uniform coordination in matters of common interest. The emergency provisions are a sufficient safeguard against such tendencies and though an eyesore to many, have proved their worth.

Like all other countries the business of administration in India is carried by different administrative departments. The work of the Union as well as State Governments is divided into a number of Ministries. A Ministry ordinarily consists of two or more departments under the overall charge of a Minister. A typical Ministry of Government of India is like a three-storeyed building consisting of political head generally an amateur, the Secretariat and Field Services. The Secretariat provides the framework for action, the Field fills in the detail in fact and achievement ; the former controlling the latter by specifications in advance, control through budget, control through review of action, control through the power to get reports and control through inspections.

The Union Territories are administered by the Ministry of Home Affairs. During the East India Company's rule, a Home Department of the Supreme Government was created in May 1843. The law and order, peace and tranquility of provinces had always been the responsibility of this Ministry. When the executive power of the State is taken by the Union, Ministry of Home Affairs exerts control over State Administration in particular fields. A separate Ministry of States continued to function till January 10, 1955 and dealt with question relating to Part B and C States and also with the matters arising out of the merger agreements in respect of those former Indian States which became Part B States. Later it was merged with Ministry of Home Affairs and its functions were performed by the latter. It chiefly deals with the matters relating to law and order, service conditions, the central services, emergency relief, general matters of prohibition, corruption, manpower, planning, passports, etc.

The Ministry of Home Affairs has a Secretariat and a

number of Attached and Sub-ordinate Offices. It is under the charge of a Cabinet Minister assisted by a Minister of State and Deputy Minister. It is divided into 17 main Divisions, each Division is generally under the charge of a Deputy Secretary. There are some special units like Administrative Vigilance Division, Directorate of Manpower, Staff Welfare, Department of Administrative Reforms, etc. Central Bureau of Investigation was set up in April, 1963 and any matter arising out of malpractices in any Central Government office or a Corporation etc. supported or aided by the Central Government is referred to it. There are Advisory Bodies like Central Establishment Board, Emergency Relief Organisation, Central Advisory Committee, Central Advisory Board for Harijan Welfare, Central Prohibition Committee, etc. The Government also appoints a Commission of Enquiry under the Commissions of Enquiry Act. The Commission enjoys a status and a role broadly corresponding to that of the Public Service Commission.

"True Democracy" said Mahatma Gandhi "could not be worked by twenty men sitting at the Centre. It had to be worked from below by the people of every village". Panchayat is a heritage of Indian life and culture. The scheme of democratic decentralisation involves a three tier structure of local self-governing authorities at the village, block and district levels. The main emphasis of Panchayat Raj is on the creation of community spirit among the people at local level, so that people may prepare plans for their development and execute their programme with self-help and active help of voluntary organisations and Government Departments. The unit of Local Self-Government for an urban area is a municipality. A notification of the State Government may propose any local area to be a municipality, define its limits and include or exclude any area in or from any municipality. They are primarily responsible for the provision, maintenance and promotion of civic amenities within their jurisdiction.

After the passing away of Nehru "the unifying element of Political Leadership in India", the Central Leadership has not yet consolidated itself which has resulted alongwith other factors in the decline of the Congress and ascendancy of opposition in some States. Conflicts over language have engendered instability and inter-regional harmony in economic and cultural

development has been seriously affected. The Constitution has accepted Hindi as the official language of the Union, but non-Hindi areas feel that this has been done with the ulterior motive to exclude them from certain categories of jobs. As Asoka Mehta puts it, "Linguistic irredentism has led to a scramble, the limited resources of the country are to be pushed and pulled by the linguistic lobbies".

The Federal Character

Lord Bryce describes the United States of America as "a Commonwealth, a Republic of republics, a State which, while one, is nevertheless composed of other States even more essential to its existence than it is to theirs." The formation of a federal union presupposes according to Dicey, two essential conditions, "There must exist in the first place, a body of countries such as the Cantons of Switzerland, the Colonies of America, the Provinces of Canada, so closely connected by locality, by history, by race or the like as to be capable of bearing in the eyes of their inhabitants an impress of common nationality." Secondly there is another peculiar sentiment among the inhabitants who "must desire union but must not desire unity." Federation wherever it came into being, be it U.S.A., Germany, Switzerland, Canada or Australia, has been the product of peculiar historical circumstances. Federation in one form or the other did exist on the Indian sub-continent, being facilitated into well-marked regions of distinct natural and cultural homogeneity, giving rise to independent and semi-independent kingdoms. No body doubts the diversity of India, with its culture, language and religion but inspite of it the country under Nandas and Mauryas remained undoubtedly a geographical unit. There was a lot of centripetal and centrifugal inter-action, sometimes crossing the territorial units and often creating a spirit of co-partnership with its constituent social groupings. Muslims and Mughals created centralized autocracy achieving a degree of political and administrative integration, without interfering in the day-to-day life of the provinces.

East India company in its hey days, empowered the Governor General to superintend, direct and control the

whole of the civil and military governments of all territories and revenues. The policy of decentralisation adopted by the crown was an off-shoot of a search of ways and means by which the administrative and economic unity of India could go simultaneously thereby putting the insistent demand for self-government into cold store. The Mutiny dissociated people of India from the Government of their country and the Britishers became aware of the extraordinary and inherent difficulties in devising a system applicable to the whole of India.

The emergence of the organised Indian Nationalism as a strong political force exerted pressure for the liberalisation of guided bureaucracy. Minto-Morley Reforms were a natural extension to the steadily developing provincial personality, thus creating a basis for a federal relationship between the centre and the provinces. The Government came to realize that the first demand of Indians would have to be conceded without impairing the supreme authority of the Governor General-in-Council. Lord Hardinge was in favour of giving the provinces a larger measure of self-government, until at last India would consist of a number of administrations, autonomous in all provincial affairs, with the Government of India above them all, and possessing the power to interfere in case of misgovernment, but ordinarily restricting their functions to imperial concerns. Mr. Montagu's declaration of August 1917, for the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire laid the germ of federalism.

The Government of India Act 1919, introduced a novel experiment in the provinces of India called Dyarchy, or the scheme of dual Government. The provincial subjects were divided into Reserved and Transferred Subjects. The Reserved Subjects, such as Police, Justice, Finance, etc. were administered by the Governor-in-Council not responsible to the Provincial Legislative Council. The transferred subjects were administered by the Governor acting with his Ministers, who were elected members of the Provincial Legislative Council and were responsible to it for the administration of their portfolios. The Government of India possessed considerable powers, of control

over provincial administration, both reserved and transferred; the Centre-Province relations continued to operate on a unitary basis. In the sphere of Legislation and financial relations, some concessions were given to the provinces e.g; complete separation of Central and provincial sources of revenue, enlargement of the taxing powers of the provinces, power to float loans and enter the money market, framing of budgets etc. In the opinion of Sir Frederick Whyte, Dyarchy introduced a federalism in embryo, and provincial administrations for all practical purposes became masters in their own houses.

The system of Dyarchy worked in the Provinces for a period of sixteen years, but it proved unsatisfactory and unworkable because it was born under an unlucky star. When it was inaugurated the political atmosphere in the country was surcharged, the oppressive hand of the Government fell on the people with great might to combat the rising tide of nationalism. The Jallianwala Bagh Tragedy, the Rowlatt Act, Khilafat Movement, Proclamation of Martial Law in the Punjab were some of the calculated measures to crush the aspirations of the masses and the intention was to create terror in their minds if they raised voice or finger against the mighty British Empire. India was the only unfortunate country where the religious labels were put on the communal parties who had their own sectional interests to advocate as divorced from the political and economic interests of the country, as a whole. By organising themselves into different compartments, they were being trapped in a deliberate design of the British rulers to create a perpetual wedge between the different communities, a sense of unceasing antagonism to choke the voice of reason. Muslims regarded themselves a distinctly separate element in the political as well as social life of the country and were bent on securing the favourable position. It started a battle between Muslim separatists demanding a loose Federation and Nationalists (mainly Hindus) advocating a strong, consolidated State. Nehru Report though set up to bridge the gap had the unfortunate effect of widening and hardening the breach accentuating Muslim fears and suspicions.

Simon Commission accepted in definite terms that the ultimate Constitution of India must be federal. The Commission felt that it was only in a federal structure that sufficient elasticity

can be obtained for the unity of elements of diverse internal constitution and of communities at very different stages of development and culture. "It is our intention," the Commission observed, "that in future each province should be a mistress in her own houses. Thus, independent life will be given to the provinces which will form the nucleus of the new federal structure." Since federation in the very near future was not possible, it recommended to set up, for the present, a Council of Greater India representing the British India and the Indian States. The Central Legislature should be refashioned according to the federal principle *i.e.* the Lower House or the Federal Assembly was to be a representative chamber of the Provinces in accordance with their population. The representatives were to be elected by the Provincial Councils, that is indirectly. These recommendations though "moderate and prudent" said Prof. Keith, "failed to please extremists (in India) and offended conservative opinion in the United Kingdom as dangerously generous."

"Politically there are two Indias, British India governed by the Crown according to the Statutes of Parliament and enactments of the Indian Legislature, and the Indian States under the suzerainty of the Crown and still for the most part under the personal rule of their Princes. Geographically India is one and indivisible made up of the pink and the yellow. The problem of statesmanship is to hold the two together." (The Indian States Committee, 1928). Events happening in British India would not be a matter of indifference to the Provinces, because hopes and aspirations were apt to overleap frontiers "like sparks across a street", the political awakening stimulated by the Congress compelled the Princes to establish representative institutions and introduce constitutional government in their territories. The smaller states were unable to introduce democratic institutions single-handedly, and were thus dependent on the Crown for ever. British interest also demanded the building up of a conservative central authority to tighten her control over the rising nationalism. It became necessary to bring the Indian States as a bit to halt the future responsible government in India in its reckless career towards independence. There was no other way to bring the States into the Central Government except on a federal basis, an all India Federation composed of British Indian Provinces and the States

appeared to be the only way out. Federalism assumes the existence of local patriotism and the strongest federal unions are those where the local patriotism finds a comfortable place within the embrace of the larger national patriotism.

The Machiavellian policy of sabotaging all Indian attempts to solve the communal tangle won major concessions for Muslims in the Round Table Conference but the blue-print of an all India federation was ready when The Government of India Act 1935 received royal assent. The proposed federation was to consist of the Provinces and the Indian States which acceded to the Federation after signing the Instrument of Accession approved by the Crown. The federation was to be established by Royal Proclamation when both Houses of Parliament presented an address to the Crown requesting the establishment of the federation, secondly when Indian States representing not less than 52 seats in the Upper House had signified their desire to accede to federation. A new pattern of Union-State relations emerged which was later formulated in the present Constitution.

A new and positive doctrine of changing the Minority Muslim Community into a full-fledged 'nation' gave birth to a two-nation theory exploiting the bogey of Hindu domination. British played a considerable part in intensifying and fermenting distrust by taking sides and Muslim League was given a more or less unequivocal assurance that no major constitutional change would be made without its concurrence. Lord Mountbatten pushed events on to a tragic denouement in which "the long-cherished dream of Indian Unity was consumed in the flames of an unprecedented holocaust". The concept of united India and loose federation was destroyed giving a consensus in favour of a federal polity based on a minimum centre and maximum autonomy to the parts. The events of the period 1935-1947 changed rapidly and many factors which hindered in the federal scheme of 1935 disappeared, preparing ground for the Constituent Assembly to produce a federal constitution with the balance tilting in favour of the Centre which acquired very large powers.

The Constitution of India declares that "India, that is Bharat, shall be a Union of States". The Indian federation maintains unity in all the basic matters. According to

Dr. Ambedkar, "The Federation being a dual polity based on divided authority with separate legislative, executive and judicial powers for each of the two polities is bound to produce diversities in laws, in administration and in judicial protection. Upto a certain point, this diversity does not matter. It may be welcomed as being an attempt to accommodate the powers of Government to local needs and circumstances. But this diversity when it goes beyond a certain point is capable of producing chaos and has produced chaos in many federal States".

There are many opinions expressed as to the nature of Indian Federalism. P.T. Chacko calls it in form a federation, in substance unitary; B.M. Gupta "not a federal State but a decentralised unitary State". Some feel it as "a complete distrust of the Provinces", "a kind of fedro-unitary system leaning heavily towards a unitary system," "a quasi-federal" a definitely unfederal or unitary constitution" and many complain that the word "federation" is missing in the Constitution. Alexandronics holds that "India is undoubtedly a federation in which the attributes of sovereignty are shared between the Centre and States." Paul H. Appleby describes it as "extremely federal". Some critics have declared it to be a federation with unitary bias or a unitary system of government with federal bias. It is incorrect to label the Constitution as unfederal or quasi-federal, a brief discussion will not be out of place.

The study of modern federal systems reveals three leading characteristics of a federal constitution e.g., supremacy of the constitution, distribution of powers among bodies with limited and co-ordinate authority, authority of Federal Court to act as interpreter of the constitution. The Constitution of India satisfies the chief characteristics of federalism, constitution is written and the process of amending it is more difficult than the ordinary law making process. Freeman gives two requisites to constitute a Federal Government, "on the one hand each of the members of the Union must be wholly independent in those matters which concern each member only. On the other hand, all must be subject to a common power in those matters which concern the whole body of members collectively." The powers of each of the two governments, the Union Government and the State Government, each with its

own sphere of legislative, executive and judicial authority are well defined in Indian Constitution. The two Governments co-exist in juxtaposition, and encroachment upon the authority of the other is not allowed, thus it is true to Bryce's description of a citizen in a federal State who, "lives under two sets of laws, the Laws of his State and the Laws of the Nation. He obeys two sets of officials, those of his State and those of the Nation and pays two sets of taxes, besides whatever local taxes or rates his city or country may impose".

The Supreme Court of India, like its counterparts in U.S.A. and Canada, occupies a special position and exercises original jurisdiction in any dispute (a) between Government of India and one or more States, or (b) State or States on one side and one or more States on the other; or (c) between two or more States, if and in so far as the dispute involves any question of law or fact on which the existence or extent of a legal right depends. Supreme Court, thus acts at once as the interpreter and guardian of the Constitution, exercises the power of judicial review and adjudges the validity of legislation. In federations like the United States, Commonwealth of Australia and Switzerland there is a dual judicial system e.g., the federal judiciary and the judiciary of the Canton. In India, there is a single integrated judiciary, the Supreme Court inherited all the powers which the British Privy Council exercised over the Indian High Courts.

Indian Constitution has provided means whereby uniformity in all matters may be secured for the unity and security of India. There is unified and integrated judicial organization in the country with Supreme Court at the apex. There is the provision for common All India Services recruited and controlled by the Union Government. The personnel belonging to these services occupy key positions both in the Central and State Governments. There is also uniformity in fundamental laws—civil and criminal. Federalizing has normally been a process of uniting, thus a number of independent political units are transformed into a single State for national purposes. The historical process of the formation of a Federation for India has been just the reverse and it was not the manifestation of the urge of the people towards a creative union embodying national unity. Report of the Joint Select Committee (1932)

said, "of course, in thus converting a Unitary State into a Federation, we should be taking a step for which there is no historical precedent... We are faced, therefore, with the necessity of creating autonomous units and combining them into a federation by one and the same Act. But it is obvious that we have no other alternative." The federation, created in 1937, had been to some extent a process of disintegration.

Under a federal government there is a double citizenship, a citizenship of the union as a whole and a citizenship of each constituent State. Every citizen in U.S.A. enjoys dual privileges. The Indian federation is a dual polity with a single citizenship. Every Indian has the same rights of citizenship, no matter in what state he resides. The upper chamber generally secures the equality of status of the federating units by allowing equal representation irrespective of the size and population, e.g., in U.S.A., every state sends two representatives to Senate. The lower chamber secures the national unity by giving chance to electorate regarding federation as a unit. In India, the representation in the Rajya Sabha, the upper chamber, is not on the basis of equality but on the population of each state.

The framers of the Constitution provided for extraordinary powers for the Union President to meet emergencies. The executive head of the American Federation is elected by the people, in Canada and Australia appointed by the Crown on the advice of the Dominion Ministry, whereas the executive head of the Indian federation is elected by the Union Parliament and the State Legislatures. The executive head of none of the other federations has distinct legislative powers. In the event of an emergency caused by war or internal disturbances, the President can declare an emergency which shall have the effect of transferring to the Union Parliament the powers of State Legislatures. The federal system can be changed into a unitary one without amending the Constitution and that too, through a unilateral decision of the Central Government.

In Australia, Switzerland and America, the powers which are not given to the Centre fall to the States. In Canada, the federal Government and the Provinces have specific enumerated powers, and the residuary powers rest with the federal government. The Constitution of India provides for three lists of powers, i.e., the Union List, the State List, and the Concurrent

List. The scheme of distribution of powers between the Centre and States weighs heavily in favour of the former because the Residuary Powers belong to the Central Government. The Union Parliament possesses exclusive jurisdiction on Union List while both the Union and State Governments have concurrent jurisdiction on Concurrent List. A Union law on a subject of Concurrent list over-rides a State law in conflict with it, to the extent of that conflict. For certain purposes and to meet certain emergencies, the Union Parliament can legislate on matters found on the State List.

A conventional federal constitution does not provide for lateral relationships for co-ordination between the federal and state Governments on matters of common interest. The provision for Zonal Councils is a unique feature of Indian federation. The Zonal councils are in the nature of summit body of an area consisting of the Chief Ministers to discuss matters of common interest. They have been useful in bringing about inter-zonal co-ordination. If the zonal councils are able to combat the forces of separatism and parochialism in a vigorous and successful way, they shall have a bright future. If, unfortunately, they prove cumbersome and ineffective, they "will soon be ignored, bypassed and forgotten".

In America, the boundaries of the States have been fully guaranteed by the constitution and no procedure for changing the boundaries has been provided. In India, the boundaries of the States are not sacrosanct. The Union Parliament on the recommendation of the President of India can alter the boundaries of the States by passing the necessary legislation to that effect. There is, however, the need to ascertain the views of the legislatures of the States concerned. Moreover, the States are dependent upon the Union Government to a very large extent in financial matters. The sources of revenue allotted to the States are extremely meagre and inadequate which compels them to look upon the Central Government for financial grants.

The political structure of India cannot be described as unitary as long as separate State Governments derive their authority from separate mandates. All federal systems are placed in a tight mould of federalism, the Indian constitution is both unitary as well as federal, according to time and circumstances. The Indian Union comes nearest to the Canadian

Union in its form and the South African Union in its spirit. The federal constitution of India is the latest addition to the federal constitutions of the world, and much of the experience of other countries has been modified to meet the peculiar needs and conditions of India. The federal character of the constitution has given some extraordinary powers to the Central Government which has become an eyesore to a few democrats.

The actual working of the constitution has aroused fears and provoked criticisms of the trend of centralisation with some while the political developments during the post-fourth election period have brought round the inherent weaknesses of the federation. The independence of the States is being forgotten and there is less and less inclination to treat constituent parts as partners in a common endeavour. The Centre should not become a steam-roller, but it also does not mean that it should be a wax-doll. Indian federation differs from any other federalism because it has racial, linguistic and religious differences like those present in Canada and Switzerland. The war of the Sonderbund in 1847 would have disrupted the confederation of Switzerland but for the sense of patriotism and love of liberty of her nationals. With the passage of time our federal system will also be successful in harmonizing the centripetal and centrifugal forces which are "inextricably woven into the texture of our multi-religious, multi-racial and multi-lingual country". It is now left to the States whether they strive for greater initiative and fruitful partnership or they are bent on wrecking the unity of India. What is the need of the hour is a system of government in which Central and regional governments are linked in a mentally interdependent political relationship"; neither of the levels should be so dominant as to dictate its decisions to the other.

Historical Background

On February 20, 1947, Mr. Attlee, the Prime Minister of England, declared the intention of His Majesty's Government to hand over, on due date, the powers of the Central Government in British India, "Whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments or in such other way as may seem most reasonable and in the best interests of the Indian people." Lord Mountbatten was entrusted with the task of transferring to Indian hands the responsibility for the Government of British India. On arrival in India, he found that the compromise between the Congress and Muslim League was impossible on the basis of a United India, the only alternative was of achieving agreement on the basis of a division. The Congress accepted the principle of self-determination for those parts of India which did not desire to remain within the Indian Union, provided that the similar right was also granted to those who desired to remain in the Indian Union.

The shape of the provinces and the principles underlying their formation, before and after 1905, continued to be unsatisfactory. As late as 1930, Report of the Indian Statutory Commission said that there were in India only a number of administrative areas which had grown up almost haphazard as the result of conquest supersession of former rulers or administrative convenience and observed, "Although we are well aware of the difficulties encountered in all attempts to alter boundaries and of the administrative and financial complications that arise, we are making a definite recommendation for reviewing, and if possible resettling the provincial boundaries of India at as early a date as possible."

The Government of India Act, 1915 rechristened the Scheduled Districts under the Scheduled Districts Act, 1874 as

Chief Commissioners' Provinces but the old act still remained in force. That act provided that general laws would not apply to these territories except with the permission of the Local Government. Section 94(3) of Government of India Act 1935 stated that "A Chief Commissioner's Province shall be administered by the Governor General acting, to such extent as he thinks fit, through a Chief Commissioner to be appointed by him in his discretion." The areas so specified were Ajmer, Bhopal, Bilaspur, Coorg, Delhi, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh ; which were nevertheless the units of Federation, under the direct administration of the Federal Government besides 9 Governor's Provinces. The Federal Legislature had power to make laws with respect to Chief Commissioners' Provinces without any limitation as to subjects [Section 100(4)]. The Indian States comprising about 600, mostly ruled by hereditary Chiefs and Jagirdars, had not been annexed by the British Crown, but they were responsible for their own internal administration, the Crown accepting responsibility for their external relations and defence.

Under the federation plan of Government of India Act, 1935, the Indian States were differentiated from the Provinces because the accession to the Federation was voluntary with the former and the Instrument of Accession was not valid unless it was executed by the Ruler himself at his own option, while with the latter it was automatic and compulsory. Such a proposed federation became in Nehru's words, "a Central pivot of our struggle against the Act." Indian National Congress resolved in 1937 to resist the introduction and working of the Federal Part and with the outbreak of the World War II, the plan was abandoned in 1939.

Sir Stafford Cripps and Lord Wavel were more concerned about the political destinies of India and they did not touch the status of the States. It was made clear in the statement by the Cabinet Mission to India and His Excellency the Viceroy on 16th May, 1946 that, "It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government.

This fact has been fully recognized by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to cooperate in the new development of India. The precise form which their cooperation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States."

Indian Independence Act, 1947 declared the lapse of suzerainty of the Crown and under section 7 enumerated the following consequences of the setting up of the new Dominions:

1. As from the appointed day

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the Government of any of the territories which, immediately before that day were included in British India ;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise ; and

(c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise.

On 30th July 1947, the Constituent Assembly of India appointed a committee to recommend constitutional changes in respect of the five areas centrally administered under the Government of India Act, 1935. The Committee recommended that Panth Piploda, due to its small size and isolated position should be merged with the province of Ajmer Merwada. It

recommended that three Chief Commissioners Provinces—Delhi, Ajmer-Merwada and Coorg—should be administered by a Lieutenant-Governor and a Council of Ministers responsible to an elected legislature. For the Andaman Islands, direct administration by the Central Government was favoured. Later Provincial Constitution Committee for major provinces recommended that greater authority should vest in Central Government as regards the administration of these areas and the Parliament was empowered to legislate on matters enumerated in the Provincial Legislative List so far as these areas were concerned.

Draft Constitution of India 1948 provided that these areas would be administered by the President through a Chief Commissioner or a Lieutenant-Governor or Ruler of a neighbouring State. The President also could by order create for any such area a local legislature or a Council of Advisers, or both, with such constitution, powers and functions in each case as may be specified in the order. The Scheme was criticized on these grounds:—

1. These areas had no right to exist as separate units. Coorg could be merged with Mysore, Ajmer-Merwada with Rajasthan and Panth Piploda with Madhya Bharat. Some area of Delhi can be merged with Punjab.
2. When the emphasis is on forming bigger provinces, there was no justification for keeping "these pockets".
3. The scheme outlined in the Draft Constitution was "reactionary" as everything depended on the sweet will of the President.
4. The administration of these areas would be too heavy and expensive.

These criticisms did not weigh much and the scheme of the Draft Constitution was adopted with minor modifications making it more flexible to suit to all sorts of areas.

With the transference of all territories, the Governor's provinces and Chief Commissioners' Territories also became the part of the Indian Union. The States were free to accede to

either of the new Dominions India and Pakistan. Most of the States situated within the geographical boundaries of India acceded to the Dominion of India. Then started the problem of shaping the Indian States into sizeable or viable administrative units and fitting them into the constitutional structure of India. Some States were merged into the provinces contiguous to them and some were converted into centrally administered areas. Third form of integration was the consolidation of groups of States into new viable units. First schedule of the Constitution of India gives the details of the States and Territories of India under separate heads, *i.e.*, Part A, Part B, Part C, and Part D. For our purpose, the details of Part C and Part D are given below :—

FIRST SCHEDULE

PART C

Names of States

1. Ajmer.
2. Bhopal.
3. Bilaspur.
4. Cooh-Behar.
5. Coorg.
6. Delhi.
7. Himachal Pradesh.
8. Kutch.
9. Manipur.
10. Tripura.

Territories of States

The territories of each of the States of Ajmer, Coorg and Delhi shall comprise the territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioners' Provinces of Ajmer-Merwada, Coorg and Delhi respectively.

The territory of each of the other States in this Part shall comprise the territories which, by virtue of an order made under section 290A of the Government of India Act, 1935, were immediately before the commencement of this Constitution being administered as if they were a Chief Commissioner's province of the same name.

PART D

The Andaman and Nicobar Islands

The areas specified in Part C were to be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or a Lieutenant-Governor to be appointed by him or through the Government of a neighbouring State. Further Parliament could by law create or continue for any such area (a) a body whether nominated, elected or partly nominated and partly elected, to function as a legislature for the State or (b) a council of Advisers or Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law. As regards territory mentioned in Part D of the First Schedule, the administration was to be carried on by the President acting to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him. States Re-organization Commission was called upon to give consideration as to the status of Part C States and the Commission in its report said, "Separated from each other by long distances they have greater economic, linguistic and cultural affinities with the neighbouring States than with each other. Politically, economically and educationally, they are in varying phases of development. Even in the constitutional field, they do not follow a uniform pattern in that some of them have legislatures and ministries and others only advisory councils... These small units will still continue to be economically unbalanced, financially weak, and administratively and politically unstable".

As a result of the States Reorganization Act 1956, substantial changes were made in the Constitution by (Seventh Amendment) Act of 1956. The Amendment reduced the four categories (in parts A, B, C, D) to two only. Firstly all the categories of States in A, B and C parts were reorganized into one and the number became 14. Of the 9 Part C States enumerated earlier,

- (i) Ajmer was included in the State of Rajasthan.
- (ii) Bhopal and Vindhya Pradesh in M.P.
- (iii) Coorg in Mysore and Kutch in Bombay.

The Laccadive, Minicoy and Amindivi Islands constituted

a Union Territory and Andaman and Nicobar Islands which were previously included in Part D, was also included as Union territory. After the re-organization in 1956, the Union Territories were six in number, namely, Delhi, Himachal Pradesh, Manipur, Tripura, the Andaman & Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands.

Articles 239 and 240 of the Indian Constitution were reconstituted by the Constitution (Seventh Amendment Act, 1956) and read as

Art. 239 : Administration of Union Territories.

- (i) Save as otherwise provided by Parliament by law, every Union Territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.
- (ii) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union Territory, and where a Governor is so appointed he shall exercise his functions as such administrator independently of his Council of Ministers.

Article 240 empowered the President to make regulations for the peace, progress and good government of the Union Territory of (a) the Andaman and Nicobar Islands, (b) the Laccadive, Minicoy and Amindivi Islands.

The Territorial Councils Act, 1956 provided for the establishment of Territorial Councils in certain Union Territories. The total number of seats in the Councils were to be filled by persons chosen by direct election on the basis of adult suffrage from territorial constituencies, forty-one in the case of Himachal Pradesh and thirty each in the case of Manipur and Tripura. The Central Government was to nominate not more than two persons. Some matters over which the Councils could control and superintend were also listed. The Council was to meet for the conduct of business at least once in every two months and with the previous approval of the Administrator, could make rules of transacting business. The Councils could, however, be superseded on the report of the administrator but only after a reasonable opportunity to explain its conduct had been given.

Two more territories were added to the list of Union Territories Dadra and Nagar Haveli and Goa, Daman and Diu ; by the Tenth (1961) and Twelfth (1962), amendments of the Constitution respectively. France was in occupation of certain territories known as "French Settlements in India", i.e., Pondicherry and Karaikal on the Coromondal Coast, Yanam on the Andhra Coast, Mahe on the Kerala Coast. The administration of these areas was taken over by the Government of India by an agreement with the Government of France. The representatives of India and France signed a treaty in New Delhi on 28th May, 1956, ceding these territories to India which was ratified by the French Parliament in July, 1962.

On 7th December, 1961, the Minister of Home Affairs made a statement in the Lok Sabha that the Government was considering what steps should be taken to give additional powers in the Union Territories. On the basis of that statement, a committee under the Chairmanship of the Law Minister was formed. The Government came to the conclusion that the Union Territories be given the same status and the same position as were obtaining during the period when they were called Part C States. The statement of objects and reasons for the Fourteenth Amendment stated, "It is proposed to create Legislatures and Council of Ministers in the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry broadly on the pattern of the scheme which was in force in some of the Part C States before the reorganization of the States. The Bill seeks to confer necessary legislative powers on Parliament to enact laws for this purpose through a new article 239 A which follows generally the provisions of article 240 as it stood before the reorganization of the States."

As regards the status of the Union Territories, Administrator occupies the same position as a Governor does in a State. Union Executive is more powerful because a Union Territory is administered by the President through an administrator to be appointed by him with such designation as he may specify or through the Governor of a State which is in the neighbourhood, the latter if appointed will hold independent charge without the help of Council of Ministers. The Union Parliament has slightly more powers over them because there is no restriction to its law-making powers.

Parliament has been given the power to raise the judiciary of a State to the creation of a High Court. It can also declare that the Judicial Commissioners' Courts already in existence may function as "High Courts" for some purposes.

The constitutional set up of the Union Territories was again given a shake up by the Constitution (Fourteenth Amendment) Act, 1962 and another article was inserted as 239 A. "239 A—Creation of Local Legislatures or Council of Ministers or both for certain Union Territories—(1) Parliament may by law create for any of the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry—(a) A body, whether elected or partly nominated and partly elected to function as a legislature for the Union Territory or (b) a Council of Ministers or both with such constitution, powers and functions, in each case, as may be specified in the law."

The territories of Delhi, Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands were not included in the progressive list. Fourteenth Amendment, 1962, added 'Pondicherry' as the ninth Union Territory in the First Schedule to the Constitution, giving *de jure* Union Territory status. On 6 November, 1962, the President promulgated an ordinance to provide for the administration of Pondicherry and other connected matters ; which was later enacted into law in December, 1962. Under the Government of Union Territories Act, 1963, a new administrative system was introduced in the Union Territories.

Article 239 A of the Constitution introduced by (Fourteenth Amendment) Act, 1962, enabled Parliament to create by Law Legislatures or Councils of Ministers or both in the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry. The Government of Union Territories Act, 1963 established Legislatures and also Councils of Ministers in those territories broadly on the pattern of the scheme in force in some of the Part C States under the Government of Part C States Act, 1951, which was repealed by the States Re-organization Act, 1956.

Union Territories Act, 1963 made provision to allot one seat to the Union Territory of Pondicherry in Lok Sabha and

for filling by direct election that seat as well as the two seats allotted to the Union Territory of Goa, Daman and Diu previously filled by nominated members. Provision was also made for the delimitation of Parliamentary and assembly constituencies, in the several Union Territories (including the delimitation of parliamentary constituencies in the Union Territory of Delhi) by the Delimitation Commission set up under the Delimitation Commission Act, 1962.

TABLE
Some Facts about Union Territories

S. No.	Union Territory	Area in sq miles	Population	Capital	Strength of Assembly	Year of creation
1.	Delhi	573	26,59,612	Delhi	—	1955
2.	Himachal Pradesh	58,232 sq k. m.	28,11,731	Simla	60	1956
3.	Manipur	5,628	7,80,037	Imphal	30	1956
4.	Tripura	4,036	11,42,005	Agartala	30	1956
5.	Andaman Nicobar Islands	3,215	63,518	Port Blair	—	1956
6.	Laccadive, Minicoy & Amindivi Islands	11	24,118	Kozhikode	—	1956
7.	Dadra & Nagar Haveli	189	57,965	Dilaver (H.O.)	—	1961
8.	Goa, Daman & Diu	1,426	6,26,978	Panaji	30	1962
9.	Pondicherry	1,850	3,69,079	Pondicherry	40	1962
10.	Chandigarh	9,000	1,00,000	Chandigarh	—	1966

The former Territorial Councils are renamed as Assemblies with a five-year fixed term, Speaker and Deputy Speaker. The Administrator appointed by the President; summons, prorogues and dissolves the Assembly. The Chief Minister with Council of Ministers is there to aid and advise the Administrator. All executive action is expressed to be taken in the name of the Administrator. In case of failure of the constitutional machinery in the territory, the Administrator shall report to the President. In case of Manipur, a standing committee of all the members of the Assembly representing the hill areas of that

territory has been set up, the ministers having the right to speak in it. Some of the territories have deficit budgets, the Aet has provided for grants and loans to them out of the Consolidated Fund of India.

The Government of India decided on June 9, 1966 to make Chandigarh a Union Territory to serve as the seat of Government for both Punjabi Suba and Haryana. The Government also decided to accept the unanimous recommendation of the Boundary Commission except in respect of Kharar tehsil. While the Commission had recommended that the whole of Kharar should go to Haryana the Cabinet decided that the Punjabi-speaking area of the tehsil would go to the Punjabi Suba and Hindi speaking area to Haryana.*

NOTES

To bring the constitutional provisions as they exist to date, Part VIII of the Constitution deals with Union Territories. There are three articles in this Part and these are given below :—

Art. 239. (1) Save as otherwise provided by Parliament by law, every Union Territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union Territory and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

Art. 239 A. (1) Parliament may by law create for any of the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry—

(a) a body, whether elected or partly nominated and partly elected to function as a legislature for the Union Territory, or

(b) a Council of Ministers, or both with such constitution, powers, and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of Article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

Art. 240. (1) The President may make regulations for the peace, progress and good government of the Union Territory of

- (a) the Andaman and Nicobar Islands ;
- (b) the Laccadive, Minicoy and Amindivi Islands ;
- (c) Dadra and Nagar Haveli
- (d) Goa, Daman and Diu
- (e) Pondicherry.

* A Press note said that the Chandigarh Capital Project, which did not form a part of either of the two regions, would be constituted into a Union seat to the Union Territory

Provided that when any body is created under Article 239 A to function as a Legislature for the Union Territory of Goa, Daman and Diu or Pondicherry, the President shall not make any regulation for the peace, progress and good Government of that Union Territory with effect from the date appointed for the first meeting of the Legislature.

(2) Any regulation so made may repeat or amend any Act made by Parliament or any existing law which is for the time being applicable to the Union Territory and when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to the territory.

Art. 211. (1) Parliament may by law constitute a High Court for a Union Territory or declare any court in any such territory to be a High Court for all or any of the purposes of this constitution.

(2) The provisions of Chapter V of Part VI shall apply in relation to every High Court referred to in clause (1) as they apply in relation to a High Court referred to in article 213 subject to such modifications or exceptions as Parliament may by law provide.

(3) Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, in relation to any Union Territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any Union Territory or part thereof.

The Land and the People

Many have been wrong in India, exceptionally gifted men like Macaulay who could not find even a single tasty fruit here, and Abbe Dubois who, after having lived in South India for forty years, said that India had no fragrant flowers !

Few among those who visit India, describe it in the same terms. The real character of the country is marked by its continental dimensions and many do not have the time, opportunity or patience to see the country in its entirety. Hence, it is not difficult to mistake the part for the whole, and the trivial for the vital.

The city in modern democratic society is the centre of civilization and learning. "It is an advantageous laboratory for the study of social life because every characteristic of human nature is not only visible but magnified". There is scarcely a foot of ground in London that is not consecrated to her history. Milton's house was in Aldersgate, Dryden's in Fetter Lane, Crosby Hall enclosed a spot which reminds us how William Shakespeare used to stand. The shallows have largely disappeared, the shores and empires have changed, but the river Thames stands to London for what it has always stood, and London stands to the nation and the empire as the greatest city the world has ever seen.

In the face of severe financial restrictions, unskilled labour, scarcity of materials and inadequate legal powers coupled with an often hampering bureaucracy, it is not easy to maintain or create an elusive atmosphere. Today the Viceregal Lodge at Simla where Lord Emherst and Dufferin showed their regal splendour and where their ladies had indulged in gayest of revelries, is a home for Tibetan children. Eager youths bubbling with vigour and enthusiasm still sit in cafes or in parks discussing existentialism and the art of Picasso. It is the

loss of the other side—the capacity to admire and appreciate, with consequent repercussions of many kinds, that is a matter of great anxiety and the theme of a real tragedy.

The Nicobar Islands known in earlier history as “Land of the Naked” lie in the south-eastern corner of the Bay of Bengal separated from the rest of India. The group comprises of nineteen islands which lie in the south-east corner of Bay of Bengal, only twelve being inhabited, viz., Car Nicobar (Pop. 9,913), Chowra (Pop. 1,228), Terassa (Pop. 547), Bompuka (Pop. 43), Camotra (Pop. 798), Nancoine (Pop. 182), Pollomillo (Pop. 40), Kondul (Pop. 182) and Great Nicobar (Pop. 203). The remaining seven islands; viz., Batti Malv, Tillong, Chang, Mero, Trak Treis, Manchal and Cabra have no human population. Car Nicobar is 60 miles from Little Andaman and 150 miles from Port Blair, the headquarters of the Union Territory. To reach the mainland, only the Government ships which run between Madras and Calcutta via Car Nicobar and Port Blair are available. Such ships touch Car Nicobar at an average of once in a month. In the fair season, Indian Airlines Corporation maintains weekly flights between Port Blair and Calcutta.

The Nicobarese believe that a princess of some outside place who had conceived without marriage sailed out in a canoe, because she was exiled by the King. She touched the east coast of Car Nicobar at the village Big Lapati (which exists now). The princess gave birth to a son but after some years she started unfair relations with him. She used to send her son to some place where she would meet him in the disguise of a beautiful girl. The progeny which sprung because of the union of the boy with his mother became the first Nicobar people.

People are superstitious and God-fearing. Nobody plucks fruits at forbidden places, because they believe that fatal sickness results in eating fruits plucked from forbidden places. The places which are supposed to be restricted are marked by “Takoya”—by driving two parallel sticks on the ground and joining them from top by another horizontal stick. The soil is very fertile and there are very thick forests over the entire land. The climate is tropical, hot and mostly it is wet throughout the year. The average annual rainfall is about 260 cm. but it is in short spells. The dewfall at night is heavy so the people never sleep in the open. The mainstay

of the economy is cocopalms which thrive on the fringe of the islands near the sea coast where the soil is sandy. The fruits like papaya, banana, orange, mango, guava, and lemon grow in excess. Pineapple, jack-fruit and bread-fruit are popular. All sorts of reptiles are found and rats do considerable damage to the coconut plantations. The waters are full of fish, and sea shells of different sizes, shapes and colours are found. The most important domestic animal is pig and when it is even slightly injured, people feel very much shocked. The people make good canoes and earthen pots, and for all clean and ceremonial purposes, the food is cooked in Chowra pots. The most colourful sport is canoe-racing particularly in Car Nicobar and Chowra. During his visit to the Island in 1964, Dr. Zakir Hussain, now President of India, presented a silver trophy shaped like a canoe for the promotion of the healthy competition. Their houses are of four types : (a) dome shaped round houses on stilts (b) rectangular houses with sloping wagon type roof on stilts, (c) improved type of houses on stilts and (d) Pacca houses. People do not observe any fixed time of eating and throughout the day it goes on. Milk is not liked, and thirst is usually quenched with the water of green coconuts. Men and women are very fond of smoking.

The people believe that the process of birth and death are unclean. Away from the main village, are maintained birth huts where the mother, child and some members of the family stay. The main communications are through the sea, and roads have not been developed. People are expert in predicting the position of tides, nature of the sea and direction of currents. The people are neither very tall nor very short, the average height is between 5 feet and 5 feet 5 inches. They prefer frequent oil massaging and chewing of betel. The people speak a distinct language called Nicobarese which resembles the language of Khasis and Mundas.

The society is characterised by a remarkable spirit of unity, feeling of brotherhood and a sense of belonging to the community. People work under the command of the village headman. The family is joint and the head is responsible for the welfare and maintenance of all the members. Women do not suffer any restrictions. There is no dowry system. Neither party has to give anything to the other at the time of marriage, the

only disputable point is which of the parties would leave his or her family to live with the other. People work as much as is necessary to keep them in good health and no more because the topical climate makes it difficult to work hard. Sports, dancing, feasts and festivals etc. are as important as anything else. The chiefcraft of the people is carpentry. People have artistic tastes and aesthetic sense and love bright colours. The old traders exploited the Nicobarese ruthlessly, so Government passed Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulations in 1956 under which entry in the tribal area of the Nicobar Islands is restricted and no outsiders can carry on trade and business without taking a licence from the Chief Commissioner.

There are no cobblers and people do not wear shoes except on important occasions or when they go outside their village. Due to warm climate, woollen garments are hardly necessary, both men and women wear silver ornaments because they hate gold. They make beautiful ornaments of flowers, coconut and banana leaves and wear them round their head. People enjoy the blessings of good health. The songs have no rhyme and the meaning is often obscure to the outsiders because of allusions to legends. People are not sophisticated or barbarians but being gifted with innate common sense, show considerable understanding, shrewdness and capacity to judge.

In order to express the collective will of the people the village and Island councils are approached. The democratic decentralization with its three-tier system which is present elsewhere has not been introduced to this area because the Councils are particularly active. The headman of the village, second and third headmen as well as some other heads of families constitute the village council; the meetings are called by ringing a ball which is made of the junk material left by the Japanese in the jungle area. They also dispense justice and adjudicate in disputes. In Car Nicobar, the village and Island councils have been working very successfully.

During the British period, no attention was paid to the education of the people. There was only one school at village Mus in Car Nicobar which was run by Missionaries but now there is a network of educational institutions. People give full cooperation for developmental work. Bishop

Richardson has always given a good lead to the people and the Administration. People are peace-loving and honest and do not fight among themselves or against others for economic gain. Houses remain unlocked and among themselves they respect each other's rights. A Community Development Block was inaugurated in 1958. There is scarcity of labour. Good wages are demanded from the outsiders. K. K. Mathur concludes his observations regarding Nicobarese as "if their interests are protected and essential facilities for their future development continued to be given and the people are also able to rise to the occasion and with hard work and prudent population control march forward on the path of development, within the framework of their distinctive colourful culture, tempered by the best of their old spiritual values, these Islands would become a veritable paradise and as happy a place as it is possible for any to be on this planet".

Manipur, called by some as "*The Jewel of India*", lies far beyond the Ganges and the Brahmaputra on the North-East Frontier of India comprising an area of 8628.3 sq. miles. It is bounded on the North by the Naga Hills, on the West by Assam, on the East by Upper Burma and on the South by the Lushai Hills (Assam). The State had existed as an independent kingdom from a very early date and was originally peopled by several tribes who came from different directions. But for the British help, Manipur perhaps would have become a colony of the Burmese Empire. After the end of the second world war, there was a demand for a representative Government. After the lapse of British Paramountcy, a new constitution was framed for the State and for the first time in its history a Government was formed with the elected representatives of the people. The Maharaja signed the merger agreement on October 15, 1949 and the Government of India abolished the post of the Political Agent and Manipur became a Part C State, administered by a Chief Commissioner.

The territory consists of a small but thickly populated valley in which two-thirds of the total population dwell, unequally distributed. People are brown in complexion, the height of men varying from the slender, lightly built Marrings to the tall, sturdy and fine proportioned Maos. They live in constant state of feud, village with village and clan with clan.

They believe in a supreme creator and their religion is based on ancestor worship and a cult of the ancestral souls through whose agency the fruits of the earth are passed on to the generations. Cultivation receives their attention for the most part of the year. Both men and women are fond of ornaments. Their social position is judged by the necklaces of beads. Brown States, "A favourite and peculiar ornament is a loose, deep collar of brass about six inches wide in front of the neck and tapering gradually to the back, where it is fastened. This collar is usually plain and projects some way in front of the chain".

The physical configuration, stony and precipitous slopes make the cultivation unsuitable. There are broadly three tracts, the flat alluvial valley of Manipur where the terraced system of cultivation is practised, the hilly area where migratory form of cultivation thrives and the area under paddy. Territory has only Twenty-seven per cent of the land area under forests but the produce and utilization is poor. There are no heavy and large-scale industries. It has no railways, and the only land communication between Manipur and the rest of India is the Imphal Dimapur road. Transport vehicles ply under military escorts, due to Naga hostilities, which has added to the costs and loss of time. The Uttar Pradesh Panchayat Act was extended to the territory during 1959-60.

The general economic condition is poor, tribal agriculture is under-developed compared to the other regions. The Christian Missionaries have always taken an active interest in the education of the hill tribes. Government runs a Dhana Manjari Degree College Manipur which also imparts post-graduate training in teaching (B.T.) and Mathematics and under-graduate training (C.T.). The Imphal College and Manipur College are two private institutions, besides a Law College and Adimjati Technical Institute. The administration provides scholarships and stipends at all stages of education particularly to Tribal and Scheduled Caste students. The Manipur Dance College runs a 4 year course in dancing and receives maintenance grants-in-aid from the Sangeet Natak Academy, New Delhi and the Manipur Administration.

The Temple of Vishnu at Bishenpur is a square brick structure of two storeys, built by king Kayamba ((1467-1505)

in about 1475 A. D., when he received a disc of Vishnu from a Tai King of China. There are other monuments in and around Imphal like Samadhi of Gambhir Singh, Kanchipur, Mohabali Thakur's Temple, Thangal General's Temple, Himchbacked Bridge etc. etc. The worship of stones in this area is common and a number of legends are connected with these stones. Near Ukkul is a stone which is supposed to have given fire to the early immigrants. One time, Manipur was famous for very strong and hard ponies. The valley is free from poisonous reptiles and there are no deaths due to snake bites.

Manipur is situated at the main land routes of migration and lies close to the theatres of cultures of the east, the west, the north and the south. It shows such a fusion of cultures and races that "It is no wonder that the Manipuris should appear to be Mongolian by features, Chinese by culture, Aryan by tradition, Naga by observance and Mithraic by faith." It is, as it were, a labyrinth carved out by nature and remained an inter-territorial state between Burma and Assam. The girding hills delineate its march and wall it off from the adjoining regions giving it a distinct geographical entity. The climate is cool and pleasant, the main rainy season is from June to September. Winds are generally light and variable. The atmosphere is generally humid throughout the year and during the Monsoon months skies are heavily clouded. Fog is common in the valleys in the post-monsoon and winter months.

Delhi is the federal capital and the normal practice is to place national capitals under a special dispensation. Washington and Canberra, the federal capitals of United States and Australian Commonwealth respectively, are under the administration of the Central Government. London and Paris have more of Central control over the city administration than other municipalities of their countries and have a special type of status. Delhi, the heart of India, epitomises her story through the ages and reflects and represents the culture and spirit of the nation. Situated on a narrow plain bounded by the Western bank of the River Jamuna and the northern projection of the Aravalli mountains, its distance from other big cities of India—Bombay, Calcutta and Madras,—is practically the same.

Before 1912, Delhi city was the headquarters of a Division which had been constituted after the annexation of Delhi by the British. In 1912, a separate Delhi Province was constituted by dissolving the Delhi District and Sonapat Tehsil to Rohtak District were transferred to it. Later on, the province was enlarged by the addition of some territory from the Gurgaon and Meerut Districts. It became a Part C State on March 17, 1952 and later after States Reorganization, a Union Territory.

It is a green city full of park and grassy lawns, trees, nurseries, orchards and gardens and plants and flowers all over the place. Throughout the year the capital's art academies and theatrical clubs keep busy over the production of a varied and crowded programme. The Government has set up a National Cultural Trust "to promote art and culture and foster the consciousness of art among the people". Important fruits grown in Delhi are bananas, pears, mangoes, plums, etc., a separate Horticultural Department has been set up to promote the growing of gardens. Village industries include hand-woven cotton, glass bangles and pottery. The main industries are—cotton mills, hand and powerloom weaving, paints and varnishes, leather goods, etc. It has been proposed to construct a small industrial estate in the Pilot Project Area of Alipur. There is also a proposal to set up five more rural estates. The Delhi Landholders (Ceiling) Bill passed in August 1960 fixes the ceiling on landholdings at 30 standard acres for a family of five. Delhi is one of the important trade distribution Centres of the North-West India. Retail trade is carried on in almost every street of old Delhi. Delhi is the natural centre of the new Indian Dominion, as Calcutta was of the old British Empire.

Languages commonly spoken in Delhi are Hindi and Urdu though the use of Punjabi is on the increase. Attendants at all good business houses and shops, the taxi-drivers, other professionals have a good working knowledge of English. It is an international port and there are daily air services between Delhi and the major cities and towns in India and abroad. The Delhi Transport Service plies Bus Service to all important places in the city. There are a large number of recognised educational Institutions which deal with Arts, Science, Teaching, Law and Technical Education.

The story of Delhi is a tale of two cities, Old and New Delhi. Shah Jahan's city has today attained the dignity of *Purana Shahar*, while over the ruins of the old town has been built the present capital (Raisina). The New Delhi of today was designed by Sir Edward Lutyens. The Government House has been built on a Central mound, flanked on either side of the wide road leading to the main gate are the two blocks of the Secretariat building. Cannaught Place is a planned general commercial centre. There are ancient monuments like Red Fort, Kutab Minar, Humayun's Tomb, Jama Masjid. The architecture is marvellous.

Till the formation of the Municipal Corporation of Delhi the conurbation of Greater Delhi consisted of eleven towns, i.e., Old Delhi, Red Fort, New Delhi, Civil Lines, South Delhi, West Delhi, Shahdara, Cantonment, Mehrauli, Najafgarh and Narela. Each of these towns was under the separate and independent jurisdiction of a Municipal or Notified Town Area Committee. The Delhi Municipal Corporation Act came into force in 1958. The Corporation has now within its fold all the local bodies in Delhi, except the then New Delhi Municipal Committee and the Cantonment Board. The urban area of Delhi thus consists of 3 towns viz., (i) D.M.C. (Urban), (ii) N.D.M.C. and Delhi Cantonment Board. The urban area of the Municipal Corporation has been divided into seven zones which are co terminus with the seven administrative zones of the corporation.

About both the Delhi's Nehru said, "What do these two cities convey to us, what pictures and thoughts do they bring to our minds? When I think of them the long vista of India's history stretches out before me, not so much the succession of kings and emperors, but rather that of the inner life of a nation, its cultural activities in many fields, its spiritual adventures and its voyages in the realms of thought and action. The life of a nation, and more especially of a nation like India, is lived principally in the villages. Nevertheless, it is the cities that represent the highest cultural achievements of the age, as they also do sometimes the more unpleasant aspects of human life. So these cities remind me of the cultural growth of India, of that inner strength and balance which come from long ages of civilization and culture". Some people are afraid of Delhi's

evil reputation because the atmosphere around is reeking of ruined empires, gloomy tombs, tottering towers and decaying mosques, auguring ill for every emperor who ruled it but the consolation lies in the fact "India is no longer an empire, she has no territorial ambitions, colonial designs, no martial aspirations. Her mission is one of service, the service of her people, the service of humanity".

The Union Territory of Laccadives is a group of ten inhabited and nine uninhabited Islands scattered in the Arabian sea about 200 to 280 kms. from the West Coast of Kerala and between 8° and 4° North and longitude 71° to 74° East. The total area of the Island is 10.76 sq. miles, the northern portion is known as Amindivis, the remaining Laccadives (including Minicoy Islands). The largest island, Minicoy, which is considerably to the south of the other islands, has an area of 1.25 sq. miles. Besides this, there is one bird Island called Pitti near Kaveratti Island and two sand banks namely Cheriyananiyam and Baliyananiyam lying North West of Bitra Island. Due to the absence of any pasture and the total non-availability of fodder, cattle rearing is not an economic position, however, there is scope only for poultry development.

The inhabited Islands are diversely populated and there is thick growth of coconut plantation. Every island has a lagoon on the western side to protect the islands from the fury of the weather. Transport is impossible during the south-west monsoon when the sea becomes rough and there are no harbours in the Islands. There is no land revenue at present based on classification and settlement of land. Most of the Government Pandaraum lands have been leased out to the islanders. Tree tax is collected on yielding coconut trees standing on Pandaraum lands leased to private parties and periodical auction of these trees is made. This constitutes the main receipt under land Revenue. Coconut continues to be the main crop. There is no scope for increasing the area nor is there scope for cultivation of other crops on a large scale. The schemes for distributing quality coconut seedlings, fertilizers and agricultural implements at subsidised rates is in operation. The area is inhabited entirely by the Muslims who have been classified as Scheduled Tribes due to their backwardness. The language of the people is Malayalam with little variations except Minicoy

where they speak (Mah)', the language of Maldivé Islands.

Ideas of pollution as they are found among the Hindus have no place in the day-to-day life. It is common to share tea from the same pot. During feasts, men from different groups are seen eating from the same plate. There are no private medical practitioners and the entire population depends upon the Medical facilities made available in the Islands by the administration. Rats and mosquitoes are a nuisance to be seriously reckoned with in all Islands. Early marriage and divorce are common except in Minicoy. Women do not observe *Ghosha*. People are peace-loving and crimes are unknown to them. Upto July 1958, Minicoy had never heard of policemen and police stations but in 1958 there was some disturbances and the people set fire to a thatched Community Hall Building.

The fishery development schemes have been implemented and the fishing industry has developed on modern and scientific lines. Production of fish has registered remarkable progress. The islanders are given training in mechanised fishing for a period of six months and some of them are deputed to the Central Institute of Fisheries operatives, Ernakulam. A pilot Canning Unit has been set up at Agatti. There are nine co-operative supply and marketing societies. The education is free at all stages, and there is the supply of free noon meals to all children attending the primary and middle schools. Text books, slates, writing material, etc., are also given free to the school children. There are no facilities for college education and the students come to the mainland for higher education and they are paid scholarships by the administration. Except in Minicoy cattle and goats are reared on all the other Islands. Poultry, keeping is also practised. Cats abound on the Islands but despite their numbers rats are a constant nuisance. The only land-birds found on the islands are tits, golden plovers and varieties of crow.

The islands are surrounded by multi-coloured coral reefs and the aesthetically beautiful picture of fish and other living creatures of many a variety and varied colours playing over the reefs and in the blue waters of the sea, unfolds an indescribable natural beauty and affords an unforgettable experience to one who witnesses this. When a man marries he goes to live at his wife's house and takes on his wife's family name. Monogamy

is practised and a girl has the right to choose her mate, or else her consent has to be obtained before marriage. She brings no dowry but receives presents from the bridegroom. Civic matters are discussed by women at their clubs known as "Varangis" to which men are not admitted. Men have their own "Attris" conducted by an elected Headman called 'Moonpan'. It is understood that the deliberations at the Varangis are taken as passed at the Attris. There is a great cooperation between the Headwomen and the Headmen and mostly unanimous decisions are taken.

TABLE
Population of Major Religions in Union Territories, 1961

	<i>Name</i>	<i>Budhists</i>	<i>Christians</i>	<i>Hindus</i>	<i>Jains</i>	<i>Muslims</i>	<i>Sikhs</i>
	1	2	3	4	5	6	7
1.	Delhi	5,456	29,269	2,234,597	29,595	155,451	203,910
2.	Himachal Pradesh	6,308	592	1,310,019	95	25,619	8,137
3.	Nicobar Islands	1,707	17,973	32,781	3	7,398	211
4.	Laccadive, Minicoy & Amindivi Islands	...	56	263	...	23,789	...
5.	Manipur	325	152,043	401,112	770	40,500	523
6.	Tripura	33,716	10,039	867,930	195	23,002	49
7.	Dadra & Nagar Haveli	2	799	56,576	120	443	...
8.	Goa, Daman & Diu	109	227,262	384,370	60	14,600	...
9.	Pondicherry	25	33,916	311,223	76	23,470	14
10.	NITIA (P tract)	5,819	1,713	25,599	11	1,008	715

Effective inter-group relations are a feature of the Island Society, the most important being landlord-tenant or Keyi-Tandelan relationship. A landlord is one who possesses coconut trees either by inheritance or by purchase or on lease. The

landlord appoints a tenant whose main duty is to pluck coconut, tap sweet toddy and render the landlord's household various services on different occasions. The remuneration may be in cash or in kind. The tenants are duty bound to strip the husk from the nuts and help in soaking them. A strange custom is followed, when the landlord sails to the mainland a tenant has to accompany him on at least one of his voyages every year. The tenant also helps in construction processes and renders kitchen services. A tenant can be asked to climb a tree at any time by any member of the landlord's household but he has the right to take one coconut for every tree he climbs.

Tripura, comprising an area of 4,116 sq. miles is surrounded on three sides by East Pakistan with an International boundary of 528 miles, forms an almost isolated pocket connected with the main land only by a 125 mile access-road through the Hills to the border of Cachar District in Assam. This is a one-district territory and one District Magistrate and Collector is considered enough for the area. The area is undulating and was covered at one time with fairly dense forest. Indiscriminate felling of trees has destroyed the forest wealth and affected soil fertility and drainage. The original population was primarily tribal who made a living out of shifting cultivation, a form of primitive agriculture. It being a Princely State, the Maharaja owned a Zemindary in what was then the British India and has now become East Pakistan adjacent to the present Union Territory, from which the larger share of income was obtained. The territory had no communications and the little communication that there was, joined it with the Zemindary areas. There was a railway line serving this territory which went to Pakistan side. After its merger with India, the territory became virtually an Island in Pakistan without any land communication with the rest of India. Recently railway line has been extended to Dharmanagar.

A number of refugees from East Pakistan settled here and the initial population was outnumbered by the newcomers. Half of the population consists of Tiparas, a tribe of Mongolian origin. The original population and a few of the newcomers possess most of the cultivable low lands and the refugees have been provided mostly with tilla-land. The area is also backward in resources. Most of the commodities are to

be imported from outside and the competent manpower is not available.

The rainfall is fairly good (in the neighbourhood of 9") but due to bad distribution of water the crops fail. The area consists of irregular low hills covered with thick Jungles abruptly ending into flat low lying cultivated areas. It is famous for ancient arts and crafts and tribal workmanship in handloom weaving and bamboo and cane work. The standards of production and the methods followed are traditional. The forests give shelter to elephants, bison, tigers, leopards and deer.

The Khadi and Village Industries Commission's border programme in Tripura is in operation for the last over three years. During the current year a training cum-production centre under pottery industry is being taken up. The programmes of the Commission are undertaken in coordination with the Cachar-Tripura Coordination Committee of Gandhi Smarak Nidhi. The quality and texture of Khadi is very good and it is exported outside the territory. A new statutory State Khadi and Village Industries Board has come into being in Tripura. In 1966-67, eleven Ambar Charkha centres in Tripura produced 2,16,892 metric hanks of yarn of the value of Rs. 63,743. Cotton cloth, silk khadi and woollen khadi registered a sale of Rs. 54,043.

Agartala, the capital, is situated to the East of Calcutta at a distance of 197 miles by air and 1,050 miles by overland route through Assam rail link. Most of the sub-divisional towns including Sadar (Agartala) are situated on the banks of rivers. In 1954, there was a considerable damage to properties due to floods. To protect Agartala town from flood, the then Maharaja constructed an embankment along the northern bank of Howra river.

Agriculture is the predominant occupation of the territory. The Five Year Plans have been giving effect to the programme of self-sufficiency, minor irrigation, reclamation, flood protection, use of improved seeds and fertilisers, soil conservation, etc. The First Five Year Plan was formulated in 1951, but for want of requisite number of qualified technical officers and staff, schemes could not be finalized and implemented prior to

1953-1954. Training programmes were hurried up and students were sent for training at Government cost. Jute is one of the major cash crops in Tripura. Weather and climate conditions afford good potentialities for its development. There is dearth of vegetables, particularly the cost of winter vegetable remains always very high. A competition is held annually in which a team of judges visit the Kitchen Gardens of all entrants and prizes are awarded.

Tripura has to depend on East Pakistan for its fish food but it offers ample scope for development of fisheries. Orange and Pineapple are grown in abundance, because of lack of facilities for the transportation of these fruits to the other parts of the country, most of the fruits rot and their price during the season becomes rather cheap. There was no proposal for setting up the Panchayats during the First and Second Five Year Plan periods. The U.P. Panchayat Raj Act, 1947 was extended to Tripura in November, 1959. For Field Publicity works, the entire area has been divided into four zones. A Tripura programme is now broadcast daily from the Calcutta centre of the All India Radio. -

N.E.F.A. Tract is a wild mountainous tract covering more than 31,000 square miles, skirted by Bhutan in the West, Tibet and China in the North and North-East, Assam in the South. The British took possession of Assam in 1838 but the administrative control was extended in 1882 with the appointment of an Assistant Political Adviser. Most of the languages spoken belong to the Tibets-Burmah branch of the main Sino-Tibetan family. The Monpas and Khambas of the north speak Tibetan; Khampti and Singpho are in dialect of Burmese. There are about fifty languages but they are only able to express concrete ideas and are not good media for expressing abstract conceptions or higher ideas.

The people usually have light skin, straight hair and a flat nose with a passion for hard work and independent spirit. People are primarily Tribal, Monpas, Daflas, Apa Tanis, Hillmiris, Wanchos etc. without caste distinctions. Polygamy is common and bride price is paid at the time of marriage. The people are, on the whole, more prosperous than the ordinary Indian peasant with a diet which is richer in food values.

The economy of the people is basically agricultural. Lack of adequate communications has been the greatest single factor in the development of the NEFA region. The terrain is very undulating and consists of steep slopes. Cultivation results in the erosion of soil and reduction of fertility, accentuated by winds, snow and turbulent watercourses.

The pace of education is gradually progressing. The people are very anxious to send their children to school and get them educated so that they may be fit and useful citizens of India capable of taking part in the administrative, economic and social affairs of the country. The people know broken Assamese and they call it "Naga Assamiya" which is also the medium of conversation of one tribe with another usually. The students are imparted instructions in Assamese. The legend goes that people of NEFA and Assam had a common ancestor, so the people of two areas are friends and kinsmen. The main food of the people consists of rice and leafy vegetables. They also catch fish and hunt deer and wild fowl for the purpose. Every family rears pigs and fowls and many relish drink and opium.

The original religion of the tribal people is what used to be called Animism—the attribution of a soul to natural objects and phenomena. They believe in numerous gods and goddesses and also in devils or evil spirits who are supposed to cause illness and bring bad luck to the family. Witchcraft and sorcery are very common. Every one believes in a supreme God who is just and benevolent. Doini-Pollo, the sun-moon god of all the Adi-groups is highly proverbial. Assam Rifles is an ideal force whose men have been described as the custodians of law and order, the pioneers of every advance into the interior, the guardians of the borders and the friends of the hill people. The songs are often inspired by poetic imagination. People are remarkably sensitive to two things, the first is delay and the second corruption.

There are no landlords, no lawyers, no money-lenders, no economic exploitation and only some merchants—only in the foothills. Polygamy is common and marriages are arranged by the parents with certain kin or on a basis of exchange. Though divorce is permitted, there is a high standard of fidelity. The settling of the bride-price involves endless

bargaining. Women hold a high and honourable position, and work on equal terms with the men. They have little in the way of sweets. Milk is tabooed by the majority of the people and if a mother cannot feed her baby, she gives him rice softened in beer. They are omnivorous in meat and fish and enjoy the flesh of deer, squirrels, the wild boar and rats. Some tribes regard dog's flesh and elephant or monkey meat as special delicacies. Most food is boiled, though meat may be roasted. It is customary for the Chief also to employ themselves in useful and ornamental arts. They work in gold, silver, and iron, forge their own weapons and make their wives' jewels. They also manufacture embossed shields of buffalo or rhinoceros hide, gilding and lacquering them with skill and taste. Painting is unknown and pottery rare.

'Fashion', says James Laver, "sums up all the subterranean tendencies, the social trends, the economic conditions, even the religious aspirations of the time." In the Naga group of tribes, a Chief wears one kind of dress, a commoner another. The designs of the clothes of people are conspicuous for the right use of brilliant colours, while their ornaments of black and white hornbill feathers, cowries, ivory and scarlet hair seem peculiarly fitting to the greenery afforded by the well-wooded hills which are their homes. Every house is raised well off the ground to avoid damp and dirty ground. The people love to sit out in the sun whenever possible, but the indoor life of the people centres round the fire. Tribal people like to do most of the things in circles. The Chief art is weaving and it is on the handloom that the greatest progress has been achieved. Mahatma Gandhi once said, "The maidens of lovely Assam weave poems on their looms". The whole of NEFA is regarded as a National Extension Block. The whole of NEFA which until recently was described as the "Hidden Land" has been brought under administration. There is a very strong tradition of cooperation among the people of NEFA. NEFA from development point of view can be divided into three main belts, the foothills, the middle and the northern. Along the international border and the foothill areas, the development programmes are comparatively more successful. The whole work is judged by the kind of effect it has on the people. "The real question ultimately," as Mr. Nehru has said, "is the quality of human beings we produce. . . I have

been thinking more and more of what an eminent economist has called "investment in man". Investment in industry and agriculture is all important but investment in man is even more important".

Himachal Pradesh, created on April 15, 1948, comprises of thirty former Hill States and their nine tributaries nestling in the foothills of the Himalayas lying bounded on the North by the Jammu and Kashmir State, on the South by Tehri-Garhwal and Dehra Dun Districts of Uttar Pradesh and the Ambala District of Haryana, on the West by Ambala, Hoshiarpur and on the East by Tibet. The people of Himachal Pradesh continue to have some essential features of the Indian life but they have also developed their distinct peculiarities because of the marked physical characteristics.

Free and universal primary education has been introduced. There are many colleges, schools and training centres. While the question of liquidating adult illiteracy has been engaging the serious attention of the Government, the Ministry of Education has evolved special methods to coordinate programmes and provide pilot projects to the backward areas of Himachal Pradesh. In order to bring about economic development, Planning Commission has successfully launched three Five Year Plans and as regards Himachal Pradesh the main emphasis had been on more agricultural production, development of roads and road transport, provision of medical and public health facilities. The climate changes rapidly on ascending or descending the precipitous sides of the huge mountain waves of the Himalayan ranges. The Jamuna, the Sutlej, the Beas, the Ravi and the Chandra Bhaga alongwith their tributaries find their way across the deep ravines and green valleys. Agriculture is the mainstay of the people but the average holding per capita is only 0.6 acres which is inadequate. Thirty seven per cent of the total area is covered with forests which give timber, firewood, resin and other products, but they account for more than half of the total revenue. The forests supply the largest quantities of coniferous timber in Northern India, the estimated revenue being about Rupees four crores. The territory is divided into four circles and sixteen territorial divisions for the better administration of the Forest Department. Wheat, maize,

barley, rice, ragi, gram, and sugarcane and potato are its principal crops; tea also grows at certain places. Sub-tropical fruits grow in abundance in the lower regions where winter conditions are milder, stone fruits like plumes, apricots and peaches thrive. There is some cultivation of dry fruits like raisins, grapes and walnuts in Chini area bordering on Tibet. As regards the major cottage industry, it is sheep and goat rearing. A Package Programme was launched in Mandi District in collaboration with West German Government for intensification of agricultural production and improvement of animal breeds. The Agricultural College started functioning at Solan from July, 1962. The average rainfall is 132 centimetres. Considerable parts of the area remain snow-bound during the winter months.

Panchayati Raj institutions have in all the States been vested with the responsibility of implementing development programmes. They aim at the establishment of a participating democracy in which the Gram Sabhas should not only deliberate but also participate along with the Gram Panchayats in planning and implementing various programmes. Panchayati Raj was introduced in Himachal Pradesh on January 26, 1962 and since then it has been functioning quite satisfactory. To transform the social and economic life of the people, Community Development Programme had been in operation since 2nd October, 1952. Literacy in the Pradesh is about 17% (1961 Census).

The spoken language is Western Pahari, as an offshoot from Prakrit and Sanskrit, whereas it is written in Hindi-Devnagri Script. The fairs and festivals draw together the people of neighbourhood and community ties are strengthened by common participation. They have also offered opportunities for buying and selling special kinds of commodities. There are two types of temples, viz., those of the local gods built by the Thakurs and Ranas, and those Siva Sakti or Lakshmi Narayan built by Rajas or under the orders of the Emperors.

Himalayas have always posed a problem of Defence. As a friendly gesture, Government of India had handed over possession of twelve bungalows located at different Himalayan Passes to Chinese on April 9, 1954 and the unscrupulous enemy sent her experts to draw and plan the onward march

to our country. The people of Himachal Pradesh being located right on the Indo-Tibet frontier have to discharge a special responsibility of facing the enemy. Many people from this area have joined the army with a zeal and determination to follow the footsteps of Zorawar Singh who was born at Bilaspur and was the leader of the army which invaded Ladakh and Tibet in 1840 spelling terror to the Tibetan expansionists only a century earlier.

Simla was the summer capital of the Supreme Government, of the Punjab Government and of the Army Headquarters for a number of years. After the outbreak of World War II, all the essential Government departments remained in Delhi and those of lesser importance in Simla. It has now lost grandeur and splendour of the past but the natural surroundings of the solemn forests and towering pines still add much to its beauty. A few years back, Government of India has opened an Indian Institute of Advanced Study at Rashtrapati Niwas Simla, which undertakes research of a high order in selected subjects of extraordinary importance.

The people of these valleys live a simple, unsophisticated life, with lesser worries and no quarrels. They are cool tempered and affectionate with an ear for music. People being illiterate are superstitious and credulous. They lead a happy contented life in the sumptuous bounty of nature, women doing most of the work indoors and in the fields. No other poet except Wordsworth would have liked them best. Menfolk are generally henpecked and sit at home and spin, while "Look at those gaily dressed, fair and pretty women. They come from the valleys immediately under the snow range, to buy nose rings and bangles which their souls love. Although some of them have two or three husbands, they are good and happy women, and have pleasant homes among those giant mountains of the Himalaya beyond the Sutlej. There is a cool fruit-growing land, abounding in peaches, strawberries, walnuts, and grapes, and their fair pretty faces and their merry wholesome laughter speak of the happy glens from which they come".

Chandigarh as its name implies commemorates the Goddess of Chandi—a popular figure in Indian mythology. She is known for her power of inspiring the valiant warriors and heroes fighting in the battlefield. Garh means fort and Chandi-

mandir, about 7 miles from the present city was a place of worship both by the *Hindus* and the *Sikhs*. The Goddess Chandi in person is believed to have blessed Guru Gobind Singh, the last Guru of the *Sikhs*, with a sword to fight against the untold tyranny of the *Muslims*. This place has the religious and emotional associations of both the *Hindus* and *Sikhs*, the two major communities of the area.

TABLE

Ranking of Union Territories in terms of population,
general literacy and area, 1961

<i>Rank in Population 1961</i>	<i>Name of Union Territory</i>	<i>Percentage of Union's Population</i>	<i>Percentage of Union's area</i>	<i>Rank in Area</i>	<i>Rate of General Literacy per 1000</i>
1.	2.	3.	4.	5.	6.
1.	Dolbi	0.61	0.05	7	527
2.	Himachal Pradesh	0.31	0.87	2	171
3.	Tripura	0.26	0.34	4	202
4.	Manipur	0.18	0.70	3	304
5.	Goa, Daman and Diu.	0.14	0.12	6	308
6.	Pondicherry	0.08	0.01	9	374
7.	NEFA	0.08	2.56	1	71
8.	Nicobar Islands	0.01	0.26	5	336
9.	Dadra and Nagar Haveli	0.01	0.02	8	95
10.	Laccadivi, Minicoy and Amindive Islands	0.01	0.001	10	336

Chandigarh is located in the bosom of Shivalik Hills roughly at the apex of the triangle formed by the Punjab plains. It is strategically situated at a distance of 150 miles from West Pakistan border and 194 miles from the Tibet border on the North-East. It lies by road at a distance of 160 miles from

Delhi, 145 miles from Amritsar and 75 miles from Simla. After Partition, the Capital of Punjab, *i.e.*, Lahore passed into the hands of Pakistan and the Eastern part of the bifurcated Punjab was left without an abode to carry on its administration. Many important cities were considered and in 1949, a committee was appointed to finalise the exact site and in 1950, an extensive survey of the Punjab was made by the then Chief Engineer, Mr. P. L. Verma. From the air he discovered the Plateau of Chandigarh which was then an agricultural area dotted with villages with a gentle southern slope suitable for natural drainage. Politically also, the city enjoys the prestige of the focal point of Kashmir, Himachal Pradesh and erstwhile Pepsu States. Parliament passed Capital of Punjab (Development and Regulation Act) in 1952 and the same year Punjab Legislature passed Punjab New Capital (Periphery control) Act. The Services of Albert Meyer, Maxwell Fry, Piere Jeanneret were secured but the ultimate and the major burden of advising the Government on the Master Plan and Architectural control fell on Le-Corbusier.

The town has the biological entity of a man with head (capital), heart (city centre), limbs (university and industrial area). The spacious parks and green belts which run through the city provide the lungs. The net-work of roads for vehicular traffic and footpaths for pedestrians constitute the circulatory system. The seat of the Government, the *capital complex* at the head of the town, includes five buildings, the Secretariats, the High Court, the Assembly Chamber, Museum of Knowledge and the Sculpture of Open Hand, the last two still to be constructed. The Assembly Chamber is the crowning point having on the one side the "law interpreting" authority and on the other the "law executive", capped by a funnel-shaped structure, giving it the significance of a ship. The High Court structure suggests great sculptural modelling, the roof and walls, heightening the symbolic grandeur of law as interpreted in terms of modern architecture. Dr. M.S. Randhawa, Chief Commissioner, Union Territory Chandigarh, describing the grandeur of capital complex writes, "The buildings of the capital convey a sense of power and majesty. The Secretariat, with its straight lines, squares and rectangles, is one of the most dignified buildings in India. In it one can sense the power and beauty of rough concrete. Its glazed walls are windowless. Undulatory glass

panels have been erected, and 10,000 prefabricated posts have been installed at harmonious indefinitely variable distances according to the Modular. Aeration and lighting are scientific. The circulation provided by two ramps and a number of commodious lifts is perfect". Museum and Picture Gallery has just been completed and the arrangements are being made for display of Gandhara Sculptures, miniature paintings of the Mughal and Pahari schools and contemporary paintings of which it possess the largest collection.

The entire area of 16 square miles is divided into sectors $\frac{1}{2} \times \frac{1}{4}$ miles in a rectangular grid pattern. "The sector", says Jane Drew, "may be roughly described as the home for day-to-day life, a place where normal life can go from the home". There is to be found a shopping centre, green open space or park, a school, a community centre, post office and a hospital or dispensary. One sector is linked with another by the markets which form a single continuous line. The university sector on about 300 acres of land to the West of the town, is the triumph of planning and lay out, each department housed in a separate building, the Science Blocks separated from the Arts Blocks by the Central Avenue which runs from the Open Air-Theatre to the Convocation Hall (yet to be built). The Library and Gandhi Bhavan stand at this central point giving easy access to all categories of students. The hostel buildings act as effective screen between the campus area and the purely residential area. The Administrative Block, a highly functional contemporary structure, reflecting its character in its straight lines is the nerve centre not only of the campus but also of a large number of affiliated institutions and colleges over Punjab, Haryana and Himachal Pradesh. Thanks to the dedicated leadership of its Vice-Chancellor Shri Suraj Bhan, the University Campus is becoming a little township perfectly self-sufficient, and occupies a proud position on the educational map of India. The Engineering College provides technical education of the highest order. There are Government Colleges for men and women as well as a Home Science College for women. Two private colleges are being run by the D.A.V. College and Sikh organizations.

Phase I of Chandigarh was to accommodate only 1,50,000 people which has been realised. The Second Phase which will cater for an additional population of 3.5 lakhs has

been started. The Defence Colony is the biggest housing scheme for defence services personnel and will serve as a civilian base for the families of soldiers who are posted in non-family stations like Ladakh, NEFA etc. The allotment committee has been very liberal and no parochial considerations weighed with them. Applicants were welcomed from all parts of India, and the presence of the disciplined population will be a great boon which would also inject economic health into the commercial sector of the city. Besides the defence personnel some areas have been earmarked for "guardian classes", e.g., doctors, scientists, artists, technologists etc. More of industrial plots have been allotted to the manufacturers of radios, scientific and precision instruments and welders, tyre retreaders, electricians and mechanics etc. The policy is only to encourage light industry powered by electricity so that the atmosphere is saved from pollution.

Multi-storeyed building along the Madhya Marg will provide permanent home to the office of the Chief Engineer and the Chief Architect. The Kasauli Research Institute and Survey of India would also be accommodated under the Second Phase. Electrification of Chandigarh has been taken from the Panjab State Electricity Board and it is proposed to lay electric supply lines underground for the new sectors.

India, after independence was filled with new national pride and needed focal points for unity. The new city coming in a period of violence and confusion could stand as the tangible embodiment of the will to maintain a stable society. The city as realised was due to the determined vision of Pandit Nehru who placed his political power behind the project. Norma Evenson says, "The Colonial Yoke had been thrown off, and the moment had arrived for India to show the world that she could stand alone, that she could command her own destiny and govern her own house and that against the brutality of nature and the vastness of her continent she could impress an ordered yet viable pattern of human life—proof that Indian civilization, though ancient, was still vigorous and creative".

Pondicherry Settlement is situated on the Coromandal Coast between $11^{\circ} 45'$ and 12° N latitude, limited on the East by the Bay of Bengal and on the other three sides by the South Arcot District of Madras State. It is not a contiguous area, and

is interspersed with bits of territory of Madras State. The region extends over an area of 290.1 sq. km. and is divided into 8 Communes, namely, Pondicherry, Oulgaret, Mudaliarpet, Bahour, Ariankuppam, Villianur, Netta Pakkam and Mannadi-pet. There are two towns-Pondicherry and Muthialpet and 267 villages, with two main drainage basins, one of Gingy river and the other of Ponnayar.

About 150 km. South from Pondicherry on the East Coast lies the Karaikal Settlement bound on the North, South and West by the Tanjore District of Madras State and by the Bay of Bengal on the East. It consists of six communes, namely, Karaikal, Khirunallar, Neravy, Nedungadu, Kottucherry and Tirumalairayan Pattinam or Grand Aldee. Mahae Settlement having an area of 10.4 sq. km. is situated on the Malabar Coast at a distance of about 8 km. from Tellicherry, bounded on the West by the Arabian sea on the North by the River Moolakadavu and on the other sides by a stretch of calcareous hills of medium height. The River Mahe divides the area into two. The Settlement of Yaman is situated in the East Godavari District of Andhra Pradesh at a distance of about 8 km. from the Bay of Bengal. The entire Settlement consisting of Yaman town alongwith six villages has been classified as urban area.

Pondicherry town is the capital, bisected by a canal. In the area East of the canal is the 'Place' consisting of a well-designed park flanked by tall buildings, the more important of which are the Government House, the Hospitals, the Chamber of Commerce. Other important sites include the Light House, the Customs Office, the War Memorial, the Town Hall etc. Shri Aurobindo Ashram is the main attraction of the town. A metre-gauge railway line links Pondicherry with Villupuram, an important junction on the Madras-Dhanuskhodi line.

Winter and summer are not very severe but humidity is comparatively high. Tamil is spoken in Pondicherry and Karaikal whereas in Mabe and Yaman people speak Malayalam and Telugu. Agriculture is the mainstay of the people. The percentage of literacy is quite high. There are three cotton textile mills and a sugar mill in Pondicherry. The main sources of revenue are Customs and Central Excise, State Excise and collection of the Electricity Department. The area is divided into 16 communes, each being administered by a Municipal

Council which consists of a Mayor, one or more assistants and of Municipal Councillors; The number of members of a Council varies from 12 to 18. The members are elected by universal suffrage for a period of 6 years and they are re-eligible. Education has been made free upto and inclusive of VIII Standard for all pupils. Education in French is free at all levels. one Arts College and Polytechnic has started functioning

The former Portuguese colonial possessions in India consist of Goa, Daman and Diu and its enclaves Dadra and Nagar Haveli, with a total area of 1,537 sq. miles. Goa is almost triangular in shape, surrounded by the Arabian Sea in the West, Maharashtra in the North and Mysore in the East and South. The total population according to 1961 Census was 6,34,584, divided as Goa (5,95,569), Daman (23,023), Diu (15,922). A Railway line connects the Mormugao harbour with Mysore State on the Southern Railway.

The Settlement of Daman is about 100 miles North of Bombay. Including the paragana of Nagar Haveli and Dadra its area is about 214 sq. miles. Bounded by the Bhagwan river in the North, Gujarat State in the East, Kalem river in the South and the Gulf of Cambay in the West, Daman is at the entrance of the Gulf of Cambay. The enclaves of Dadra and Nagar Haveli are separated from Daman by a narrow strip of land, five miles wide and intersected by the Western Railway. The pargana of Nagar Haveli and Dadra is surrounded by the Umargaon taluka of Surat district in the West, Pardi taluka of Thana district in the South and Dharampur taluka of Surat district and Jawar taluka of Thana district in the East. The people of Goa speak Konkani, which is derived from Magadha Prakrit, an offshoot of Sanskrit. The language of Daman and Diu is Gujarati. The official language is Portuguese, which is hardly spoken by three percent of the population.

Speaking on the Bill (12th Amendment), Pandit Jawahar Lal Nehru said in the course of his speech in Lok Sabha on 14th March, 1962 :

"We have made it clear that we want Goa to maintain its separate identity, separate individuality, call it what you will, because in the course of more than 400 years Goa had had a separate identity and the course of history had imparted it

some. We have no intention of changing that or suppressing that identity. In fact, some people have advised us to make another change in the Constitution and to recognize the Konkani language as one of the official languages of India.

"There are many languages in India which we recognize for purposes of administration, education, etc., which are not mentioned in the Schedule about languages attached to the Constitution. But in any event, I want to make it clear that we want to give full place to the Konkani language in Goa and not to ignore it or suppress it in any way. That is the main language of Goa. May be there are very few persons who know Portuguese language; a number of people know Marathi and a smaller number, probably, know Kannada. But Konkani is the principal language and we propose to give it full recognition in that matter."

The nearest railway station is Vapi, 11 miles from Silvassa, the capital of Nagar Haveli. Haveli is separated by two miles of Indian territory from Dadra, located to its West. The 1961 Census shows the population of Nagar Haveli as 50,873 and 9,877 households, about 88 per cent Adivasis, 1,252 Scheduled Castes and 5,075 belong to other communities of which the prominent are Rajputs and Bhandaris. There are 49,772 Hindus, 585 Christians, 366 Muslims, 111 Jains and 39 Zoroastrians. The Island of Diu is separated from the mainland by a narrow channel through a considerable swamp from the southern extremity of the Kathiawar Peninsula; the face of the island is a sandstone cliff washed by the sea with deep water close beneath.

India had been persuading Portugal to come to amicable terms but India had to use "other methods" to liberate Goa. Portugal brusquely rejected all proposals to settle the question of ending Portuguese colonial rule on the Indian Sub-Continent and also summarily rejected the advice and suggestions in this connection given by other friendly countries. The Indian Army moved into Goa on the midnight of December 17-18. Indian warships entered Goan waters and aeroplanes penetrated the air space and within *thirty-six* hours Goa was liberated. For over 450 years, the Portuguese rule was characterised by authoritarianism and there were no political parties. Close on the heels of liberation, in search of fresh ground and

new sphere for activities, some major political parties from India made their hurried but sure landing. For the purpose of First General Election four parties were recognized, the Indian National Congress, The United Goans, the Maharashtrawadi, Gomantak and Janata Agadhi.

There is at least one high school in almost every important village and is controlled by Maharashtra Board of Secondary Education, Poona. There are many colleges of arts and science including some for women, teacher's training colleges, Colleges of Pharmacy, of Politechnic, a Multi-purpose High School, Technical High Schools, Medical Schools. The University Grants Commission has recommended the setting up of a University in Goa. Post-graduate departments in some subjects like English, Economics, Chemistry, Mathematics, etc. besides the Engineering and Law College have been set up in collaboration with the University of Bombay. The first printing press in India was established in Goa in 1556, but Portuguese did not allow it to flourish. The Goans are artists *par excellence* and their dishes and desserts along with their art of serving them delicately and graciously is remarkable.

The per capita income of Goa in 1961 works out at Rs. 443, which is higher by 32 per cent than the corresponding figure in the rest of the country. Available statistics show that the agricultural and industrial wage rates in Goa are one and a half to two times the all-India averages. An average agricultural labourer gets a wage of Rs. 2 to Rs. 2.50 a day, while a clerk in Government Service earns a salary of Rs. 250 as against Rs. 100/- to Rs. 150/- per month in the rest of the country. A postman's salary is Rs. 250/- per month, and the school teacher earns a salary of Rs. 350 to Rs. 600/- per month. There is no acute unemployment problem and beggars are rare. Rural houses are better than one finds in the average village in other parts of India and the villagers are relatively better clad. The total area under cultivation is only 3,18,783 acres, e.g., about 35% and is mainly used for paddy production and cash crops like cashewnuts, coconuts, betelnuts, sugarcane, bananas, vegetables, etc. Agriculture is mostly dependent on rains. The Goa Development Corporation set up in Panjim is doing much to provide incentives for the development of such industries within the territory.

The average rainfall of the region is about 100 inches. Goa does not produce enough food and the main produce is rice. The most important fruits are mango, Jack fruit and cashew, while the vegetables like potato, radish, yam, melons and cucumber are grown. The principle crops in Daman are rice, wheat and inferior cereals, about a twentieth part of the territory is under the plough. Forests are the main wealth of Nagar Haveli, while the uncovered area is used partly for cultivation of rice and other grains and partly kept fallow for grazing. Several meandering rivers span the entire country so inland water transport is very common. The unending green foliage all around give scenic beauty. Salt is produced in Goa, Daman and Diu and the industry gives employment to about 1,000 workers and the salt produced in a year amounts to approximately 4,500 tonnes.

The inhabitants may be divided into three groups—Indians, Europeans and descendants of Europeans. Majority of the Christians are Roman Catholics. Scores of Hindu temples along with a fairly concentrated sprinkling of magnificent shrines, cathedrals, churches, chapels, etc., adorn the area. They have a unique taste for music. The '*Mando*', the cultural acme of the Goan in song is a song of love depicting many of the moods, dreams and feelings of the lovers. It is danced in parallel lines with ladies on one side and gents on the other, moving with dignity and grace towards each other. Kunbis songs commemorate the seasons of the year and are associated with the robust, hardworking and sturdy race of labourers. The people are honest, hardworking and men of integrity. They have won fame from many with whom and for whom they worked. One of the Governors of Kenya, Sir Evelin Baring once said, "The Goans have been right-hand men of the administration in Kenya and are practically custodians of the keys of the Government safes."

NOTES

The Legislative Assembly of Goa passed a private member's resolution on 22nd January 1965 demanding merger of Goa with Maharashtra. The resolution states :—

Whereas, the Constitution of India is based on the Principle of democratic system of government for India, based on adult franchise without distinction of class, religion, creed or sex and has unequivocally accepted and adopted the party system of Government as the best means of subserving the common good ;

Whereas, with the full realization that the territory of Goa, Daman and Diu, the former Portuguese Settlements in India, constitute an integral part of India and that the people of the said territory were eagerly looking forward to their liberation from the colonial regime and to unite with mother country, the said territory was liberated with a view to enable its people to unite themselves with the rest of India ;

Whereas as a purely transitional measure to deal with the immediate problems, the newly liberated territories were constituted as a Union Territory under the direct administration of the Central Government which, with commendable speed made arrangements for holding elections in the territory in accordance with the Constitution of India ;

Whereas, in the said elections the various political parties which ultimately won the majority of seats and was called upon to form the popular Government, fought the elections on the definite and specific issue that the best interests of the people of this territory lay in its merger of Goa with the adjoining State of Maharashtra and Daman and Diu with Gujarat ;

Whereas, the party which stood for a separate State for Goa, failed to get the majority while the party which stood for retaining the status of Union Territory got no seat at all except one in Daman ;

Whereas, this House considers that having regard to all the accepted principles of the democracy and of elections, the success of a party in the elections on a proclaimed policy invariably means that the said policy is the one accepted by the people and must be given effect to ;

Whereas, this House considers that the retention of this territory as a Union Territory involves very huge and totally unnecessary expenditure on the paraphernalia of a top heavy administration which is a totally wasteful expenditure to no purpose ;

Whereas, the principle of formation of States on a linguistic basis has been accepted and put into practice and Whereas this area is predominantly populated by people with their mother-tongue as Marathi or its dialect Konkani ; And Whereas, geographically, culturally and historically this territory has been intimately connected with the territory forming part of the Maharashtra State ;

Whereas, the non-fulfilment of the promise held out to the people of this territory at the time of elections of the party which was returned with a mandate has given rise to sense of discontentment among the people ;

Whereas the delay in bringing about the said merger of Goa with Maharashtra and Diu and Daman with Gujarat is frittering away the energies of the people thereby precluding them from concentrating on the development activities and that by postponing the merger for a longer period, the developmental activities will be seriously jeopardized ;

Whereas, such merger is not only in the best interests of the Union Territory of Goa, Daman and Diu, but also of the nation as a whole, and that such merger will promote the feeling of national solidarity and integrity ;

Now, therefore, this House of elected representatives of Goa, Daman and Diu is of the considered opinion that the territory of Goa should, without any further delay, be merged with the adjoining State of Maharashtra and the territories of Daman and Diu should be merged with Gujarat. This House accordingly recommends to the Government of India to take appropriate steps in this regard by sponsoring the necessary legislation in the Parliament, immediately.

Maharashtra as could not be expected to remain silent for long. Chief Minister Mr. V.P. Naik moved a resolution at a joint session of both Houses of Maharashtra Legislature on 10th March, 1965 ; which stated :—

Whereas, the people of Goa through their elected representatives in their State Assembly have expressed their firm resolve to merge their territory with the State of Maharashtra immediately.

And Whereas, these ties have their origin in geographical, historical, economic, cultural and linguistic affinities between the people of the two areas ;

And Whereas, the people of Maharashtra and the people of Goa have worked together in several common endeavours ;

And Whereas, this House from time to time, through the Addresses of the Governor and the discussions thereon has expressed its close affinities with the people of Goa and welcomed their keen desire to unite with people of the Maharashtra ;

And Whereas, this House is conscious of the great significance of this association and, therefore, look forward to it with a full sense of responsibility and in a spirit of dedication and service for the welfare of the people of Goa ;

And Whereas, the time has come when the feelings and wishes of the people of Goa be honoured forthwith so that their energies are better harnessed for and concentrated on development and constructive purposes ;

Now, therefore, this House hereby assumes every section of the people of Goa, irrespective of their caste or creed, that Goa will have a special claim on the State of Maharashtra that the economic betterment of the people of Goa will be the special concern of this State, and that the religious, social, educational and cultural heritage and aspirations of every section of the people of Goa will be fully safeguarded and respected by this State in the best of its traditions, and further that in order to preserve, promote and cherish these objectives the State of Maharashtra will take all such steps as are necessary for their fulfilment ;

And for consolidating the unity of India by bringing these two areas together in a harmonious and integrated relationship, this House urges upon the Parliament and the Government of India to take immediately all such measures, including an amendment of the Constitution as are necessary to make Goa an integral part of the State of Maharashtra.

Mysore had been demanding the merger of Goa with it so two days later, the resolution was passed unanimously on 12 and 15 March, 1965 by both the houses which read as :—

This House notes with deep concern the Resolution adopted by the two Houses of the Maharashtra State Legislature at a special sitting on 10th March, 1965 on the motion of the Chief Minister of that State proposing the merger of Goa with Maharashtra. This resolution amounts to a negation of the policy laid down by the late Prime Minister Jawahar Lal Nehru that the people of Goa should have the right of self-determination as to its future. Every consideration bearing on the history, culture, language, geography and economy of Goa would support its merger with Karnataka rather than Maharashtra. It is nevertheless the considered opinion of this House that the Policy laid down by the late Prime Minister concerning the future of Goa should be honoured both in letter and in spirit by all concerned. This house is therefore clearly and emphatically of opinion that the people of Goa should have the right to determine their future and to that end Goa should continue to have Self-Government for a period of ten years from the date of liberation of Goa. If, however, there is to be any change in the policy in favour of early merger of Goa this House strongly urges that such merger must be only with Mysore.

The Executive

The regular functions of Government fall into two main divisions, one concerned with acts of legislation and the other with acts which are requisite for carrying legislation into effect. In some spheres, the executive or administrative authority dominates the Legislative just as the *contrary* relationship is a principle of democracy. In non-democratic countries, there is greater authority with the Executive. Finer says that the executive is the residuary legatee in Government after other claimants like Parliaments and the Law Courts have taken their share. There are three aspects of the executive, nominal or ornamental as king in England, the political executive, viz., the English, the American, the Swiss and the French Model of either the Cabinet or Parliamentary or Federal type, and the permanent executive.

We, in our study, are concerned with the execution of laws and the administration of the Union Territories. The successful governmental executive is an institutional product and what they achieve is largely the product of their influence rather than command. Executive work is not that of the organization but the specialized work to maintain the organization in operation. Chester Bernard enumerates the main functions as, "the first executive function is to develop and maintain a system of communication. This involves jointly a scheme of organisation and an executive personnel. The process by which the latter is accomplished include chiefly the selection of men and the offering of incentives, techniques of control permitting effectiveness in promoting, demoting, and dismissing men, and finally the securing of an informal organization in which the essential property is compatibility of personnel. The chief functions of this informal organization are

expansion of the means of communication with reduction in the necessity for formal decisions, the minimizing of undesirable influences, and the promotion of highly desirable influences concordant with the scheme of formal responsibilities."

Within the Executive arm, there is need for proper co-ordination and distinct functions. There are three essential divisions the first being the directing and determining repository of ultimate responsibility, *viz.*, the Governor, Administrator, Chief Commissioner or Lieutenant-Governor and the Council of Ministers. The second is the Central Secretariat machine through which the first category makes their orders and decisions articulate. This division is normally headed by the Chief Secretary or the District Officer who co-ordinates all matters originating in all other departments. The third is the manifold field organizations through which effect is given to the orders. L.D. White said, "Two separate bodies of employees consequently emerge without common experience or a common point of view. There is a field way of life and a headquarters way of life, each different from the other, both essential to the best conduct of the public business and each needing an appreciation of the functions and contributions of the other".

The Administrative set up of the Union Territories give the following broad patterns, depending upon the development and political consciousness of the area. The details of each type are discussed separately. First category consists of Union Territories like Goa, Damian and Diu, Pondicherry, Himachal Pradesh, Manipur and Tripura which have elected Legislatures. The administration is carried by a Lieutenant—Governor with the help of the Chief Minister. There is also a Council of Ministers to aid and advise the Lieutenant-Governor. They have all the paraphernalia of a responsible form of government and their claim for state-hood is not based on sentiments alone.

Second category consists of Metropolitan Council type as in the Union Territory of Delhi, where the Lieutenant-Governor is helped by Executive Officer in the discharge of his duties. Such Governments are often popular in federal capitals. Washington and Canberra, the federal capitals of United States and Australian Commonwealth respectively are under the administration of the Central Government.

Third category is of those Union Territories which are administered by Chief Commissioners with or without the help of Advisory Councils. Nicobar and Andaman Islands and Chandigarh have Advisory Councils to aid and advise the Chief Commissioner whereas Dadra and Nagar Haveli is without it.

Fourth category is of North East Frontier Tract which was for some time directly administered by the Ministry of External Affairs, now it is administered by the Ministry of Home Affairs, the Governor of Assam acting as the agent of the President with some special discretionary powers. Niue (or Savage Islands) is also a New Zealand dependency administered by the Department of External Affairs of the New Zealand Government as a separate administration, through a Resident Commissioner at Alofi.

Politics has been called as the art of the possible. It is impossible to find one form of Government ideal for every area, race or even type of climate. Political institutions are generally the compromise between various forces, each trying to stretch the other. In the Union Territories, there is no continuity of political development, the old and picturesque often rub shoulders with the new and the unfamiliar. The Union Territories where the elected Legislatures have been provided, the parliamentary procedures and practices are followed, of course, with some modifications. There is a Council of Ministers to aid and advise the Administrator for the proper administration of the territory.

We have followed the parliamentary procedures and practices of British Constitution very closely. When it was felt that a responsible Government if not independence, in some form or the other, was most certain, early in 1946, a Cabinet Secretariat was organised. The cabinet form of Government was later adopted both at the Centre as well as the States. The term Cabinet applies to the body of men who are chosen from the political party with a majority in the legislature in order to run the Government.

The Government is a body of party politicians from among the members of that party or group of parties which has a majority or can secure a majority in the Legislative Assembly. In Canada, according to the Constitution, all ministers are

appointed "by the Governor-General by Commission under the Great Seal,"² but "never by the personal selection of the Governor-General, he takes and can take no active part in such selection—such a course would be unconstitutional in the Canadian sense of the word". The Constitution of Eire leaves nothing to the discretion of the President in the appointment of ministers, it provides that "the President shall on the nomination of Dail Eireann, appoint the *Taciseach*, that is, the head of the Government". As regards the Union Territories of India where the elected legislatures are functioning, the method of selecting the Chief Minister and other Ministers is similar to the one followed in other States of India.

The Chief Minister is chosen by the President who selects the person who is likely to be the most effective head of Government. Usually, the choice is obvious as it depends on the state of the parties, produced by an election to the Legislature. Chief Minister selects other members of the Council of Ministers and submits the list to the Administrator acting on behalf of the President. He can drop any of his ministerial colleagues or reshuffle their portfolios. He is the *Chief Link* between the council of Ministers on the one hand and the Administrator and the Legislative Assembly on the other. The fact of being *Chief* and not equal among the colleagues is more true in India because people are by nature heroworshippers and mostly wish to have a hierarchy of officers. Democracy in India is only a top-dressing on the Indian soil which some think to be essentially undemocratic. This extends to top-ranking and popular leaders, the power to be chief or in some cases rather supreme among the colleagues. The Chief Minister holds a position of pre-eminence in his cabinet and shields his colleagues. As one newspaper commentator has put it, "the leader's position is weakened by the protective cover it gives to the activities of his challengers".

The ministers hold office during the pleasure of the President but the Council of Ministers is collectively responsible to the Legislative Assembly of the territory, therefore, so long as it enjoys the confidence of a majority of the members of the Legislative Assembly, it would be difficult to replace it if it were dismissed or if it resigned. A minister who ceases to be a member of the Legislature for a period of six months cannot

continue as such on the expiration of that period. Though for administrative convenience the business of the Government is allocated among the ministers by assigning one or more departments of the Secretariat yet the Rules of Business provide that the council is collectively responsible for all advice tendered to the Administrator, whether by an individual minister on a matter pertaining to his portfolios or as a result of a discussion at a meeting of the Council or otherwise. The legislation also confers powers on, or assigns functions to the Union Territory Government as such and not on individual ministers. Decisions and orders are also always issued as those of the Union Territory Government and not those of particular ministers. The Cabinet is the supreme directing body of the policy in the Union Territory. Though from a strictly legal point of view, the Council of Ministers—as the Union Territories Act styles it—is only advisory in character, the conventional sanction behind its authority provides for it the most prominent place. While every act of the Government is done in the name of the Administrator, the *de facto* power behind the scene is the cabinet. The real germs of the cabinet system originated during the tenure of Lord Canning in 1861. In Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry, there is a Council of Ministers to aid and advise the Administrator in relation to matters with respect to which the Legislative Assembly of the Union Territory has power to make laws. This advice is not needed when the Administrator acts in his discretionary capacity or when he is exercising any judicial or quasi-judicial function. The main functions of the Cabinet in the Union Territories are: (a) the determination of policy for introducing legislation, (b) the supreme control of the Government in accordance with the policy framed by the Administrator, (c) continuous coordination of administration of several departments.

The Council of Ministers are collectively responsible for all executive orders issued from any department in the name of the Administrator. The Minister-in-charge is primarily responsible for the disposal of the business pertaining to his Department. The decision of the ministers relating to each case is separately recorded and after approval by the Chief Minister is placed with the records of the case. An advance copy of the

record of the decision prepared by the Secretary is forwarded to the Administrator. The Chief Minister is required to furnish to the Administrator such information relating to the administration of the Union Territory and proposals for legislation as the latter may desire. The case raising questions of policy, or which affect the peace and tranquillity or the interest of any Minority Community, Scheduled Castes, Scheduled Tribes and the Backward Classes are submitted to the Administrator through the Chief Minister. The cases which raise questions of policy or affect the relations of the Central Government with any State Government, the Supreme Court, or the Court of the Judicial Commissioner, the Administrator is required to make a prior reference to the Central Government in the Ministry of Home Affairs or to the appropriate ministry with a copy to the Ministry of Home Affairs.

The Chief Secretary is the Secretary to the Council of Ministers and the Secretary to the Administrator is the Joint Secretary. When the Chief Secretary is absent, the Joint Secretary performs his duties. All correspondence with the Union Public Service Commission and the Central Government regarding recruitment and conditions of service of persons serving in connection with the administration of the Union Territory is conducted by the Chief Secretary under the directions of the Administrator. The Chief Secretary and the Secretary of the Department concerned are responsible for the careful observance and detailed execution of the laws or instructions passed by the Central Government.

Determination of policy is the function of the ministers and an unquestionable business of the civil servants is to strive to carry out that policy with precisely the same good, whether the latter agree with it or not. The civil servants give all the information and experience at their disposal while decisions are being formulated. The advice so given may or may not accord with the minister's initial view. The minister directs and instructs, determines the policy and imposes it upon those under him. He must rely for information on civil servants and should not go far in any direction without assistance from experts. As Ogg says, "on them he must rely for information about matters of which he knows little or nothing ; from them he must seek advice, from them, indeed, he must continually

accept guidance". The civil servants like their ministers to do well. They feel personally humiliated if he makes blunders. One British Labour Cabinet Minister states, "The civil servants take enormous pains to give the minister all the facts and to warn him against pitfalls. If they think the policy contemplated is wrong, they will tell him why, but always on the basis that is for him to settle the matter, and if the minister, as is sometimes the case, has neither the courage nor the brain to evolve a policy of his own, they will do their best to find him one, for after all it is better that the department should be run by public servants than that it should not be run at all".

The Administrator may call for papers relating to any department. All communications, received from the Central Government which are not of routine nature are submitted to the Administrator for information. He may refer to the Central Government any draft bill before it is introduced in the Legislature of the Union Territory. When any matter relates to the Concurrent list or the official language of the territory, the Administrator is required to refer it to the Central Government. In case of difference of opinion between the Administrator and his ministers on any matter, the Administrator refers the case to the President for decision. Pending decision of the President, the Administrator is competent to take any action as he deems necessary. All executive action of the territory is taken in the name of the Administrator. The Administrator and his Council of Ministers are under the general control of and comply with such particular directions as given by the President. The President, on receipt of a report from the Administrator of a Union Territory or otherwise can suspend the provisions of any Act for the better administration of the territory. The Administrators of each of the Union Territories of Himachal Pradesh, Manipur and Tripura have special responsibilities for the security of the border and for that purpose they can issue any directions or orders.

The Executive Authority of the Union rests with the President, of the States with the Governor. In Union Territories though different names are prescribed, the executive authority lies in one man who is appointed by the President and works on his behalf. In five Union Territories, e.g., Goa, Daman and Diu, Pondicherry, Himachal Pradesh, Manipur and Tripura,

the Administrator is called Lieutenant-Governor. In Delhi, the Chief Executive is Lieutenant-Governor, who is assisted by an Executive Officer. In Nicobar Islands, Chandigarh and Laccadives, the Chief Executive is the Chief Commissioner whereas there is a common Administrator for Goa, Daman and Diu and Dadra and Nagar Haveli. In North-East Frontier Tract, the Governor acts on behalf of the President. The powers of the Lieutenant-Governors, Chief Commissioners and Administrators in respect of their respective Union Territories are the same. Technically the Lieutenant-Governor of a Union Territory enjoys more powers than the Governor of a State and has executive authority. By convention the administration in the Union Territories is supposed to function on the pattern of the States except in respect of some specified matters. Therefore, it is necessary to initiate the proposals, through the State Cabinet for the Centre's approval, through the Lieutenant-Governor who has been vested with some over-riding powers. The duties of an Administrator are traditional and more or less the same in every Union Territory. Sometimes there are Advisory Councils to aid and advise the Chief Commissioner. The territory where there are no elected legislatures, i.e., Dadra and Nagar Haveli, Laccadives, Nicobar and Andaman Islands and Chandigarh the work of the Council of Ministers is done by the Administrator acting on behalf of the President.

In America, each state is provided with a bicameral legislature (except Nebraska, which since 1937 has had a single-chamber legislature) an elected governor and a judicial system. The Governor is chosen by direct vote of the people over the whole state. In States like Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Haveli, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York State, North and South Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, Wisconsin, the Governor, on his death or resignation, is succeeded by a Lieutenant Governor who is elected at the same time and has been presiding over the State Senate. In several States the Speaker of the Lower House succeeds the Governor.

Under the Territorial Councils Act 1956, the Adminis-

trator could attend and address any meeting of the Territorial Council. The administrator used to preside but he also appointed a Chief Executive Officer who could only be removed by a majority vote of not less than two-thirds of the total membership of the Council. The chairman furnished the copy of the proceedings of the meeting to the Administrator. The Administrator could give all such directions as he might consider necessary in respect of subjects, curricula, text-books and standards of teaching in schools. He could pass an order (reasons to be recorded) suspending the execution of any resolution or order of the Council or prohibit the doing of any act if there is a fear of a breach of the peace, or if it caused annoyance or injury to the public. The Administrator is required to furnish a copy of such resolution to the Central Government with a statement of the reasons for making it.

Under the Union Territories Act, 1963, the Administrator can summon the Legislative Assembly in Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry. He has also the power to prorogue and dissolve the Assembly. The Administrator can address the Assembly and may for that purpose, require the attendance of members. He can also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise and when the message is so sent, the Assembly with all convenient dispatch considers any matter required by the message to be taken into consideration. No Bill or amendment can be introduced into, or moved in, the Legislative Assembly of a Union Territory without the previous sanction of the Administrator, if such Bill or amendment deals with either constitution and organization of the Court of the Judicial Commissioner or jurisdiction and powers of the Court of the Judicial Commissioner with respect to any of the matters in the State List or the Concurrent List in the Seventh Schedule to the Constitution. The Money Bills can be moved in the Assembly on the recommendation of the Administrator. Every bill after it has been passed by the Assembly is presented to the Administrator, who reserves it for the consideration of the President. The President may direct the Administrator to return the bill together with a message requesting that the Bill be reconsidered. The annual financial statement, with the previous approval of the President,

is laid before the Assembly by the Administrator. All demands for grants are made on the recommendation of the Administrator. He may also authorise such expenditure from the Consolidated Fund of the Union Territory as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Consolidated Fund, pending the sanction of such expenditure by the Legislative Assembly.

The Administrator, after consultation with the Speaker of the Assembly and with the approval of the President, can make rules (a) for securing timely completion of financial business ;

(b) for regulating the procedure of and the conduct of business in the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund ;

(c) for prohibiting the discussion of, or the asking of questions on any matter which affects the discharge of the functions of the Administrator in so far as he is required by this Act to act in his discretion.

The Administrator also regulates the custody of the Consolidated Fund and Contingency Fund. The report of the comptroller and Auditor General is submitted to the Administrator. All contracts in connection with the administration of a Union Territory are contracts made in the exercise of the executive power of the Union. All suits and proceedings in connection with the administration of a Union Territory are instituted by or against the Government of India.

In Manipur, there is a Standing Committee for Hill Areas consisting of all the members of the Legislative Assembly who represent the constituencies situated in the Hill Areas, excluding the Speaker and the Chief Minister. The Committee deals with general questions of policy and other matters which are of special interest to the people of the area. Every Bill which deals with Hill areas etc. after it has been introduced in the Assembly, is referred to the Standing Committee for consideration and report to the Legislative Assembly. In case of difference between the two, the Speaker submits the dispute to the Administrator, whose decision is final. The Adminis-

trator has special responsibility for securing the proper functioning of the Standing Committee. The Council of Ministers normally gives effect to the recommendations of the Standing Committee but in case of difference of opinion, the matter is referred to the Administrator whose decision is binding on both the parties.

The Northern Territory of Australia known as "featureless area," does not occupy the status of a State and can well be compared with any Union Territory in India which has an elected Legislature. The Northern Territory (Administration) Act of 1947 provided for the constitution of a Legislative Council consisting of an Administrator and seven official and six elected members. After reorganisation in 1959, the Administrator is the President of the Legislative Council which consists of 6 officials, 8 elected and 3 non-official appointed members. The territory elects one member to the house of Representatives who is eligible to take part in all debates but may only vote in certain special cases when his electorate is affected. The Administration governs the territory on behalf of the Commonwealth. An Administrator's Council has been set up which has associated some non-official members with the Executive Government.

In Delhi, there is a Metropolitan Council of fifty-six members chosen by direct election from territorial constituencies. The Government may also nominate not more than five persons who are not in the service of the Government. Those persons who are registered as voters at elections to the House of People are entitled to vote. The normal tenure of the Council is five years but while a Proclamation of Emergency is in operation, the period may be extended by one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate. It has an elected Chairman and a Deputy Chairman; the former continues to function whenever the Council is dissolved till the first meeting of the Metropolitan Council after the dissolution takes place. The Chairman has the casting vote in the case of an equality of votes. The quorum to constitute a meeting is fifteen. A member cannot be a member both of the Council and Parliament or Delhi Municipal Corporation.

The Council has the right to discuss and make recom-

mendations with respect to proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List. It also deals with matters of administration involving general policy and schemes of development in so far as they relate to matters enumerated in the State List or the Concurrent List. In order to assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State List or in the Concurrent List, there is an Executive Council, consisting of not more than four members, one of whom is designated as the Chief Executive Councillor and others as the Executive Councillors. The Administrator presides over the meeting of the Executive Council. The members of the Executive Council are appointed by the President, who also determines their salaries and allowances. The Administrator and the members of the Executive Council are under the general control of the President and he can dissolve it.

Dr. A.N. Jha took over as Chief Commissioner from V. Vishwanathan on March 1, 1966, and on September 7, 1966, a new administrative set up for the Union Territory of Delhi as contemplated under the Delhi Administration Act, 1966 was introduced with Dr. Jha assuming office as the first Lieutenant-Governor of Delhi. After the General Elections, new Executive Councillors took over on March 18, 1967. In March 1967, the Metropolitan Council was constituted comprising of 56 elected and 5 nominated members. The Lieutenant-Governor addressed the Council on March 30, 1967.

Under the Delhi Administration Act, 1966, the Administrator summons the Metropolitan Council to meet at such time and place as he thinks fit. He can prorogue the Council and with the approval of the President dissolve it. He may also attend and address any meeting and require the attendance of members for that purpose. The Council makes recommendations regarding proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List and then after due consideration by the Executive Council, are forwarded by the Administrator to the Central Government. The Administrator, after consultation with the Chairman of the Metropolitan Council and with the approval of the President, can make rules for prohibiting the discussion

on any matter which affects the discharge of his functions. When there is any difference of opinion between the Administrator and the members of the Executive Council on any matter, the Administrator refers it to the President for decision. However, as regards New Delhi, all decisions taken by the Executive Council are subject to the concurrence of the Administrator. It is within the discretion of the Administrator to make any law with respect to law and order in Delhi including the organization and discipline of police force. If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by or under any law to exercise any judicial or quasi-judicial function, his decision is final.

The administrative headquarters is called the Secretariat. The business transacted in the Secretariat consists, among other things, of the formulation of policy in matters within the constitutional responsibility of the territory administration, the framing of new legislation or of amendments to existing legislation, the framing of statutory rules, regulations and orders in exercise of powers conferred by law, the issue of instructions, directions etc. It consists of a number of departments each of which is under the charge of a Secretary who has under him deputy Secretaries, Under Secretaries, Assistant Secretaries, Superintendents, assistants and Clerks etc. Within a department there will usually be found one or more directorates, each of which is headed by a Director. The Director is subordinate to the secretary of the department and he is usually charged with the responsibility for controlling and supervising the field officers and agencies falling within the department's field and operating at divisional, district, sub-divisional, block and circle levels. The Secretariat organization in all the Union Territories is almost similar. Union Territory (Chandigarh) has been discussed in detail and the secretariat organisation is given below.

The Deputy Commissioner-cum-Estate Officer performs all the powers of a Collector and a Municipality. He is the incharge of auction of residential and commercial sites. He organizes the celebration of the days of national rejoicing. He issues licences to the cinema houses subject to specific conditions and recommends the issue of passports to citizens of Chandigarh who may be planning to go abroad. At present the Deputy Commissioner holds the charge of Director Food & Supplies,

Sports, Civil Defence. He is the Registrar of Firms and the Labour Commissioner. He also acts as a Deputy Excise and Taxation Commissioner, and Commandant General of Home Guards. A Public Relations Officer in the Estate Office occupies the status of a District Public Relations Officer and looks after the publicity wing. He also arranges exhibitions, shows and festivities. His main purpose is to keep the people informed of the activities of the Government and to bring to the notice of the Administrator published comments and criticism and other grievancees which require the attention of the Government.

The Home Department is concerned mainly with the regulation of the public functions. Under Revenue and Forest Department it has to care for land and land revenue, collection of revenue from certain other taxes, forests, national parks and preservation of wild life and relief on account of fires, floods and other natural or general calamities, territorial changes, religious and other societies. It also deals with such subjects as Civil Supplies, Industries, Industrial Cooperatives, Printing and Stationery, Judicial, Labour and Employment, Technical Education, Law, Chief Commissioner's Establishment, Civil Aviation, Poultry Project, Financial Corporations, Transport, Hospitality, Forests, Tourism and Vigilance, etc. In the interest of speedy actions on matters with which a number of departments are concerned committees have been constituted for the Coordination of action in respect of the national emergency and for deciding questions of policy relating to organization and methods. They are responsible for initiating proposals and making recommendations on several aspects of development of Chandigarh. The names of the various committees have been given in the *Notes* towards the end of this chapter.

The Department of Finance relates to the Budget and Accounts, Expenditure and Receipts of the Union Territory Administration. It deals with Excise and Taxation, Cooperative Societies, Museum and Tourism. It also deals with Financial matters relating to Police, Law, Vigilance, Transport, Judicial, Civil Supplies, Milk Supply Scheme, Printing and Stationery, etc. It gives sanctions for execution of works and work pertaining to town planning and designing. It also deals with allotment of houses to Government servants, sale of plots residential, commercial and industrial and procurement of

**Educational Secretary
and D.P.I.**

**Chief Engineer,
Capital Project**

All matters relating
to Engineering
Organisation.

Chief Architect

Senior Architects

**Vital
Statistics**

**Govt. Food
Inspectors**

**Supdt.
Slaughter House**

**Entomologist-
cum-Malaria
Officer**

building material for private construction. Peripheral Control, Registration of Architects, Plumbers and Surveyors etc. and Administrative reports are also dealt.

The Medical Officer of Health as in Municipalities, looks after the sanitation of the territory. He is incharge of protecting the health of the people and by so doing to increase human efficiency and the life span. His chief duties relate to statistics, vaccination and control of epidemics, regulation of burial places, reclamation of unhealthy localities, construction, maintenance and cleaning of drains, removal of the filthy matter like refuse, rubbish, night soil, etc. The Chief Engineer holds the charge of all engineering activities. He is assisted by Superintending Engineers for working out structural designs, preparing estimates and planning. The Architects prepare design for Government buildings and they not only choose the location of the building, fix the site but also chalk out approach roads and parking places. All plans for construction are to be approved by the Chief Architect. It proposes the zonal plans and zonal by-laws for private buildings and controls rigidly the exterior outlook of all buildings in the capital.

In the administration, recruitment means "Attracting the proper and suitable type of candidate for the post to be filled". Before the democratic institutions were firmly established, recruitment to public services was done on principles other than merit. In many States of India we have separate Public Service Commissions, but for the Union Territories either the Union Public Service Commission fills the posts or some other arrangements are made. There is a District Committee on Employment for the Regional Employment Exchange, Chandigarh, as under:—

1. Deputy Commissioner-cum-Estate Officer. *Chairman*
2. Principal, Industrial Training Institute, Chandigarh.
Member
3. Representative of Private Employees Meters and Instruments, Industrial Area, Chandigarh. *Member*
4. Representative of Punjab Work-Charge Union Chandigarh.
Member
5. Principal, Polytechnic, Chandigarh. *Member*

tory. The Goa, Daman and Diu (Absorbed Employees) Act, 1965, provided for the regulation of the conditions of service of persons absorbed for service in connection with the administration of the Union Territory of Goa, Daman and Diu.

There are about a dozen municipalities, each consisting of four members and a Chairman nominated by the Government. The villages are covered by panchayats, the functions of the *regedor* are being gradually restricted. The police force is headed by a Senior Superintendent of Police with Deputy Superintendents of Police at Headquarters and at Margai and Mapuca, Inspectors at the Divisions and Sub-Inspectors at Sub-divisions. In order to remodel the education system, Shri B.N. Jha was appointed as Chairman of a committee and most of the recommendations of the committee were implemented. The medium of instruction in primary schools is mother-tongue. The retreating Portuguese had blown up or damaged many bridges and culverts and destroyed the means of transport and communication system. A number of buildings at Quepem, Bambolim, Mapuca and Vasco-da-Gama were destroyed and the administrative machinery is busy with repairing and restoring the means of communication. The Community Development Programme was introduced in November 1962 and there is one block for each *Concelho*. The rules under the Maharashtra Cooperative Societies Act, 1960, have also been adopted for Goa, Daman and Diu with minor adjustments. There is the post of a Conciliation Officer and two posts of labour inspectors for the Union Territory. The Regional Labour Commissioner Bombay, and the Conciliation Officer have been vested with the powers of settling industrial disputes arising in the Central sphere undertakings of the territory, under the Indian Trade Union Act, 1947.

Laccadive, Minicoy and Amindivi Islands formed part of the composite Madras State until given the status of a Union Territory on November 1, 1956. The territory is administered by the President of India through the Administrator. Advisory Council for the Laccadive Islands for 1965-66 consisted of six non-officials and its work had been praiseworthy. The Development Officer, Secretary to the Administrator, Executive Engineer, Special Officer for Fisheries, Registrar of Cooperative Societies, Special Officer for Agriculture, Education Officer, Senior Medical Officer and Deputy Superintendent of Police

are the Gazetted Assistants to assist the Administrator in Administration of the territory. The Union Territory is divided into four tehsils for purpose of administration. Each tehsil is under the charge of a Tehsildar. There are four sub-treasuries at Kavaratti, Amini, Minicoy and Androth. Police posts have been established in the Islands of Kadmat, Kiltan, Agatti and Kalpeni, whereas there are police stations at Kavaratti, Amini, Cheltat, Androth and Minicoy. The local Administration of some of the islands is carried out by an official called the *Amin* who is selected for appointment by the Administrator of Laccadives from among the members of the local Council of Elders which consists of the heads of a number of lineages.

Guam was ceded by Spain to the United States by the Treaty of Paris, and is of great strategic importance; substantial naval and air force personnel occupy about one-third of the usable land. It is the only American territory which is completely "free trade", no customs duties are levied upon imports. Forests yield valuable hardwoods, coconut palms and banana trees line the beaches. The Executive Branch is headed by the President with the approval of the Senate. Under him are nine departments, the head of each appointed by the Governor, with the advice and consent of the unicameral legislature of Guam consisting of 21 members; for a two-year term.

Nicobar Islands forms a part of the single district Union Territory directly under the Ministry of Home Affairs administered by the Chief Commissioner whose headquarter is at Port Blair. Due to lack of communications, another administrative headquarter has been set at Car Nicobar. The Additional Deputy Commissioner looks after the welfare of the tribal people and development work. He looks after the interests of the people and supervises the trade. He is a messenger of goodwill and peace. Other officers include Executive Engineer of the Public Works Department, three Assistant Engineers, Medical Officer, Lady Medical Officer, Assistant Superintendent of Police, Principal of the Government School, Assistant Secretary (Nicobar Trade) works as the Sub-Treasury Officer. There are two Advisory Committees and Chief Commissioner's Advisory Committee to help the administration.

The Administration respects the customary rights of the

people. There has been no revenue survey and settlement in this area because there is no organized agriculture and no land revenue is taken from the people. There are no land disputes which would necessitate the maintenance of elaborate records of the rights of the people and the boundaries of land holdings. The administration normally accepts the claim over land of those persons whose ownership is beyond dispute. The land, which is ever required for development purposes, when desired from the individual is always approached through the village headman. The Virgin Islands of the United States, formerly known as the Danish West Indies, were purchased by the United States from Denmark because they were strategically important, commanding the Anegada Passage from the Atlantic Ocean to the Caribbean Sea and the approach to the Panama Canal. It is governed by a Governor appointed by the President, with the consent of the senate for an indefinite term, the Department of the Interior has full Jurisdiction though some limited legislative powers are given to a single-chambered legislature, composed of 11 senators elected for 2 years. The capital is Charlotte Amalie on St. Thomas Island. There are ten executive departments, the Government Secretary heads two, each of the others is under a Commissioner.

The North East Frontier Tract is administered by the Governor of the Assam acting on behalf of the President. Under the Government of India Act, 1935, the Governor of an Indian Province was appointed by His Majesty by a Commission under the Royal Sign Manual. All Governors were in law appointed by the Crown and no prior consultation with the Governor-General was required. The repository of the executive power of the State is the Governor who acts with the aid and advice of the Council of Ministers. He is appointed by the President for a term of five years, normally in consultation with the Chief Minister of the State. The executive powers of the Governor relate to the Administration of all those matters which are included in the State List and in respect of which the State Legislature is competent to frame laws. In case of matters enumerated in the Concurrent list, the executive powers are subject to those of the President.

The Governor can summon the State Legislature, prorogue either House thereof or dissolve the Legislative Assembly.

When every session commences, he may address, corresponding to the Speech from the Throne in the British Parliament, the legislature of the State. Every bill passed by the State Legislature must receive the Governor's assent before it can become a law. No money bill can be introduced in the Legislative Assembly except on the Governor's recommendation. He can promulgate ordinances during the period when the Legislature is not in session. Before the commencement of every financial year, he causes to be laid before the Legislature the Annual Financial Statement showing the estimated revenue and expenditure of the State for that year. He can determine the appointments, postings and promotions of district judges and other judicial officers. He has also the power of granting pardon to persons convicted by courts of law or reducing or commuting their sentences. He enjoys personal immunity from all civil or criminal proceedings during his term of office.

Theoretically the Governor is the source of all executive action and is armed with an imposing array of powers. But in practice he is a constitutional ruler; normally acting on the advice of the ministers. The Constitution gives a few discretionary powers to the Governor. The Constitution says that there shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions except in so far as he is by or under this constitution required to exercise his functions or any of them in his discretion [Article 163(1)]. The Governor of Assam can act in his discretion in respect of the administration of certain tribal areas and frontier tract. Para 18 of the Sixth Schedule of Constitution of India provides that :—

Para 18 (1): The Governor may—(a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any tribal area specified in Part B of the table appended to paragraph 20 (refer to notes) of this Schedule or any part of such area and thereupon such area or part shall be administered in accordance with such provisions and

(b) with like approval, by public notification, exclude from the said table any tribal area specified in Part B of that table or any part of such area.

(2) Until a notification is issued under sub-paragraph (1) of this paragraph in respect of any tribal area specified in

Part B of the said table or any part of such area, the administration of such area or part thereof, as the case may be, shall be carried on by the President through the Governor of Assam as his agent and the provisions of Article 240 shall apply thereto as if such area or part thereof were a Union Territory specified in that article.

(3) In the discharge of his functions under sub-paragraph (2) of this paragraph as the agent of the President the Governor shall act in his discretion.

In North East Frontier Tract administration the Governor is not a sleeping partner. He is not a figure-head but an important functionary expected to lubricate the machinery of Government and to see that all the wheels are going well. Under the general provisions also, when the Emergency is declared, the Governor emerges from his "*Ceremonial shell*" and governs with real authority as the agent of the Union Government. He is also the Chancellor of the University. For each autonomous district, there is a district council in Assam, consisting of 24 members, three-fourths being elected on the basis of adult suffrage. If there are different Scheduled Tribes in an autonomous district there is a separate Regional Council. They possess many powers as defined in the Sixth Schedule. As regards the discretionary powers of the Governor Para 9 is very relevant.

Para 9 : (1) Such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of, minerals granted by the Government of Assam in respect of any area within an autonomous district as may be agreed upon between the Government of Assam and the District Council of such district shall be made over to that District Council.

(2) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (1) of this paragraph to the District Council and the decision of the Governor shall be final.

N.E.F.A. Tract is constitutionally a part of Assam, but

administered by the Government of India through the Governor of Assam who acts as Agent to the President. The Chief Executive with his headquarters at Shillong is the Adviser to the Governor. He is assisted by a Legal Adviser, an adviser for Tribal Affairs, a Financial Adviser and the Heads of Departments for Health Services, Engineering, Education, Agriculture and Forests. The work is coordinated by a Development Commissioner. The Adviser is also responsible for the unified and coordinated control of the Assam Rifles to the Ministry of External Affairs through the Governor.

N.E.F.A. Tract is divided into five frontier divisions : Kameng, Subansiri, Siang, Lohit, Tirap with their headquarters at Bomdila, Ziro, Along, Tezu and Khousa respectively. Each of the Division is under the charge of a Political Officer. There are additional Political Officers who control Sub-divisions. The Sub-divisions are divided into circles each under a Base Superintendent. There are District Heads for various departments such as engineering, forests, medical, education and agriculture. The administrative units previously known as Frontier Divisions or Divisions have now been redesignated as "Districts" and the Political Officers are called Deputy Commissioners.

The policies are executed by the executive departments. Many departments are concerned with the formulation and execution of the policies and programmes. The Secretariat provides the framework for action, the Field fills in the detail in fact and achievement. Gone are the days of Greek City-States when the work of administration could be carried from a central place. The headquarters control the field services by specifications in advance, control through budget, control through review of action, etc. Due to increased mobility and speedy communications and change in the concept of governmental functions, the relationship should be a partnership of two active and cooperative members. There must be a working relationship which implies on the part of the former, an increased emphasis on guidance, research, advisory and consultative services so that the decisions are made and implemented speedily and efficiently. In Lahul and Spiti Area of Himachal Pradesh and in N.E.F.A. there is a single line administration, which means that there is a greater delegation of powers to the officers at the spot. The files or other matters are not

supposed to move from table to table. The policy making and execution is done by one and the same agency within the framework of delegated Legislation. Varier Elwin in 'A Philosophy for NEFA' writes, "one of the great achievements is the creation of the single line administration which stresses the inter-relationship of the entire work and the importance of every aspect of it. Even those members of the staff who do not deal directly with the tribal people have it in their power to influence them, for good or evil. Thus the officers dealing with supply and transport have a vital part to play in maintaining supplies for building institutions and keeping the staff supplied with the necessities of life."

The statutory powers of the Inspector General of Police are vested in the Deputy Commissioner and the Assam Police Regulations have been extended to the area. The Police Department is headed by Superintendent of Police, who is overall incharge of the unit. The State Military Police enjoys higher pay scales than that of the normal police establishment and for recruitment and training purposes, the lines of a light infantry battalion are followed. Since 1919, 4th Battalion of the Assam Rifles has been posted to man a number of border outposts and aids the civil police whenever the need or the occasion arises. Fire Service Organization is also under the charge of the Superintendent of Police. The Excise Revenue is collected under the Eastern Bengal and Assam Excise Act 1 of 1910 as extended to Manipur. The Central Excise Department is under the Additional District Magistrate, a Deputy Superintendent is posted at Imphal. Due to the long border with Burma and the difficult terrain, it is difficult to check smuggling. The Manipur Land Revenue and Reforms Act was enacted by the Parliament in 1960, which provides that the assessment of land revenue will be based on the profits of agriculture for land in the case of non-agricultural land, on the value of the land for the purpose, for which it is held. The tehsils have been placed under the charge of Extra Assistant Commissioners. For revenue purposes, there are four divisions, viz., Imphal West, Imphal East, Bishenpur and Thoubal.

In 1869 a British soldier T. H. Lewin made a statement of what should be the attitude and policy of the administrator towards people of tribal areas. "Let us not govern these hills

for ourselves, but administer the country for the well-being and happiness of the people dwelling therein. What is wanted here is not measures but a man. Place over them an officer gifted with the power of rule, not a mere cog in the great wheel of government but one tolerant of the failings of his fellow-creatures and yet prompt to see and recognize in them the touch of nature that makes the whole world kin, apt to enter into new trains of thought and to modify and adopt ideas, but cautious in offending national prejudice. Under a guidance like this, let the people by slow degree civilize themselves. With education open to them and yet moving under their own laws and customs they will turn out not debased and miniature epitomes of Englishmen, but a new and noble type of God's creatures".

NOTES

I

Sixth Schedule

20 Tribal areas—(1) The areas specified in Parts A and B of the Table below shall be the tribal areas within the State of Assam,

(2) The United Khasi-Jaintia Hills District shall comprise the territories which before the commencement of this Constitution were known as the Khasi States and the Khasi and Jaintia Hills District, excluding any areas for the time being comprised within the cantonment and municipality of Shillong, but including so much of the area comprised within the municipality of Shillong as formed part of the Khasi State of Myllem ;

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (2), clauses (a), (b) and (d) of sub-paragraph (3) and sub-paragraph (4) of paragraph 8, and clause (d) of sub-paragraph (2) of paragraph 10 of this Schedule no part of the area comprised within the municipality of Shillong shall be deemed to be within the District.

(2A) The Mizo District shall comprise the area which at the commencement of this Constitution was known as the Lushai Hills District,

(2B) The Naga Hills-Tuensang Area shall comprise the areas which at the commencement of this Constitution were known as the Naga Hills District and the Naga Tribal Areas.

(3) Any reference in the Table below to any district other than United Khasi-Jaintia Hills District (and the Mizo District) or administrative area (other than the Naga Hills-Tuensang Area) shall be construed as a reference to that district or area at the commencement of this Constitution :

Provided that the tribal areas specified in Part B of the Table below shall not include any such areas in the plains as may, with the previous approval of the President, be notified by the Governor of Assam in that behalf.

TABLE

PART A

1. The United Khasi-Jaintia Hills District.
2. The Garo Hills District.
3. The Mizo District.
4. The North Cachar Hills.
5. The Mikir Hills.

PART B

1. North East Frontier Tract, including Balipara Frontier Tract, Tirap Frontier Tract, Aor Hills District and Misimi Hills District.
2. The Naga Hills-Tuensang Area.

II

Administrative Personnel of Union Territories (as on 1st 1968)

- | | |
|-----------------------------------|--|
| 1. Delhi | Lt.-Governor—A.N. Jha.
Chief Executive Councillor—V. K. Malhotra.
Chief Secretary—K. Kishore. |
| 2. Goa, Daman, Diu | Lt.-Governor—Nakul Sen.
Chief Minister—D. Bandedkar.
Collector of Daman—H.K. Khan.
Chief Secretary—G.K. Bhanot.
Civil Administrator of Diu—M S. Bijlani. |
| 3. Himachal Pradesh | Lt.-Governor—Lt. Gen. Bahadur Singh.
Chief Minister—Y.S. Parmar.
Chief Secretary—M C. Sharma. |
| 4. Manipur | Chief Commissioner—B. Prasad.
Chief Minister—K. Singh.
Chief Secretary—A.N. Sehgal. |
| 5. Pondicherry | Lt.-Governor—S.L. Silam.
Chief Minister—F. Maricar.
Chief Secretary—U. Vaidyanathan.
Administrator of Karikal—K.R. Ramannathan.
Administrator of Mahé—N. Kallurkar.
Administrator of Yanam—F. Andonisamy. |
| 6. Tripura | Chief Commissioner—U.N. Sharma.
Chief Secretary—H.S. Dnbey. |
| 7. Andaman and
Nicobar Islands | Chief Commissioner—Mahabir Prasad
Chief Secretary—Sh. Gurbachan Singh. |
| 8. Chandigarh | Chief Commissioner—Dr. M.S. Randhawa.
Home Secretary—Darnodar Dass.
Finance Secretary—Daljit Singh. |
| 9. Dadra and Nagar
Haveli | Collector—M. S. Dayal. |

III CHANDIGARH ADMINISTRATION NOTIFICATION

Chandigarh, the 1st June, 1967

No. 1182-LD-67/1218.—The Chief Commissioner, Chandigarh, is pleased to constitute the following Committees for the Union Territory of Chandigarh, namely :—

1. Electricity Committee—

- | | |
|---|--------------|
| (1) Chief Engineer (Capital) | ... Chairman |
| (2) Chief Architect, Chandigarh Administration | ... Member |
| (3) Superintending Engineer, Punjab State Electricity Board, Chandigarh | ... Do |
| (4) District Industries Officer, Chandigarh | ... Do |
| (5) Representative of Industrialists of the Union Territory of Chandigarh | ... Do |
| (6) Superintending Engineer (Electricity, Chandigarh) | ... Convener |

2. Education Committee—

- | | |
|---|--------------|
| (1) Chief Commissioner, Chandigarh | ... Chairman |
| (2) Home Secretary, Chandigarh Administration | ... Member |
| (3) Finance Secretary, Chandigarh Administration | ... Do |
| (4) Vice-Chancellor, Punjab University, Chandigarh | ... Do |
| (5) Director, Post-Graduate Institute of Medical Education and Research, Chandigarh | ... Do |
| (6) Principal, Punjab Engineering College, Chandigarh | ... Do |
| (7) Director Central Scientific Institute Organisation, Chandigarh | ... Do |
| (8) Principal, Government College for Boys, Chandigarh | Do |
| (9) Principal, Government College for Girls, Chandigarh | Do |
| (10) Principal, D.A.V. Higher Secondary School, Chandigarh | ... Do |
| (11) Principal, Guru Gobind Singh College, Chandigarh | ... Do |
| (12) Principal, D.A.V. College, Chandigarh | ... Do |
| (13) Principal, Post-Graduate Basic Training College, Chandigarh | ... Do |
| (14) Principal, Home Science College, Chandigarh | ... Do |
| (15) Principal, Punjab University Evening College, Chandigarh | ... Do |
| (16) Director, Punjab Institute of English, Chandigarh | ... Do |

3. House Allotment Committee (Upper)—

- | | |
|---|--------------|
| (1) Chief Commissioner | ... Chairman |
| (2) Home Secretary, Chandigarh Administration | ... Convener |
| (3) Finance Secretary, Chandigarh Administration | ... Member |
| (4) Chief Secretary, Punjab Government | ... Do |
| (5) Chief Secretary, Haryana Government | ... Do |
| (6) Director, Post-Graduate Institute of Medical Education and Research, Chandigarh | ... Do |
| (7) Executive Engineer, Capital Project-3, Chandigarh... | Do |

4. House Allotment Committee (Lower)

- | | |
|--|--------------|
| (1) Finance Secretary, Chandigarh Administration, Chandigarh | ... Chairman |
|--|--------------|

- (2) Deputy Commissioner, Chandigarh ... Member
 (3) Executive Engineer, Capital Project-3, Chandigarh ... Convener
5. Health Committee—
- (1) Chief Commissioner, Chandigarh ... Chairman
 (2) Finance Secretary, Chandigarh Administration ... Convener
 (3) Director, Post-Graduate Institute of Medical Education and Research, Chandigarh ... Member
 (4) Principal Medical Officer, Chandigarh ... Do
 (5) Medical Officer of Health, Chandigarh ... Do
 (6) Chief Engineer, Union Territory, Chandigarh ... Do
6. Industrial Area Development Committee—
- (1) Home Secretary, Chandigarh Administration ... Chairman
 (2) Deputy Commissioner-cum-Estate Officer, Chandigarh ... Member
 (3) Senior Architect, Union Territory, Chandigarh ... Do
 (4) President, Industries Association, Chandigarh ... Do
 (5) Superintending Engineer (Construction) Chandigarh ... Do
 (6) President, Industrialists Association, Chandigarh ... Do
 (7) District Industries Officer, Chandigarh ... Convener
7. Negotiation Committee for the allotment of Industrial Plots—
- (1) Chief Commissioner, Chandigarh ... Chairman
 (2) Home Secretary, Chandigarh Administration ... Member
 (3) Finance Secretary, Chandigarh Administration ... Do
 (4) Chief Engineer, Union Territory, Chandigarh ... Do
 (5) Chief Architect, Union Territory, Chandigarh ... Do
 (6) Estate Officer, Chandigarh ... Convener
8. Special Problems Committee—
- (1) Chief Commissioner, Chandigarh ... Chairman
 (2) Home Secretary, Chandigarh Administration ... Member
 (3) Finance Secretary, Chandigarh Administration ... Do
 (4) Chief Engineer, Union Territory of Chandigarh ... Do
 (5) Senior Architect, Chandigarh ... Do
 (6) Deputy Commissioner-cum-Estate Officer, Chandigarh ... Convener
 (7) Superintending Engineer, Public Health, Chandigarh ... Member
 (8) President Building Material, Merchants Association, Chandigarh ... Do
 (9) Ono Business Representative ... Do
 (10) President of the Radio Manufacturers' Colony, Chandigarh ... Do
 (11) President of the Motor Repair Work-Shops Colony, Chandigarh ... Do
9. Sports Committee—
- (1) Chief Commissioner, Chandigarh ... Chairman
 (2) Finance Secretary, Chandigarh ... Member
 (3) Senior Superintendent of Police, Chandigarh ... Do
 (4) Deputy Commissioner, Chandigarh ... Do
 (5) A.I.G. Traffic, Punjab ... Do
 (6) Principal, Government College for Boys or his Representative ... Do

- | | |
|---|--------------|
| (7) Representative of the Punjab University, Chandigarh | Member |
| (8) One Coach, Sports Department, Chandigarh Administration | ... Do |
| (9) Deputy Director of Sports, Punjab | ... Do |
| (10) Assistant Director of Sports, Haryana | ... Do |
| (11) Assistant Director of Sports, Punjab | ... Do |
| (12) Principal, D.A.V. School, Chandigarh | ... Do |
| (13) Secretary Hockey Association, Chandigarh | ... Do |
| (14) Secretary Football Association, Chandigarh | ... Do |
| (15) One Retired P.R.O., Defence Services, No. 12/1/S/B-G, Chandigarh | ... Do |
| (16) One from Sports Department, Chandigarh Administration | .. Do |
| (17) One Instructor of Yoga Exercises, Chandigarh | ... Do |
| (18) Secretary of the Lake Club, Chandigarh | ... Do |
| (19) District Sports Officer, Chandigarh | ... Convener |
| (20) Publicity Officer, Chandigarh Administration | ... Member |
10. Telephone Committee—
- | | |
|---|--------------|
| (1) Chief Commissioner, Chandigarh | ... Chairman |
| (2) Home Secretary, Chandigarh Administration | ... Convener |
| (3) Finance Secretary, Chandigarh Administration | ... Member |
| (4) Chief Engineer, Union Territory of Chandigarh | ... Do |
| (5) Director, Post-Graduate Institute of Medical and Research, Chandigarh | ... Do |
| (6) Representative of the Punjab Government | ... Do |
| (7) Representative of the Haryana Government | ... Do |
11. Vigilance Committee—
- | | |
|--|----------------------|
| (1) Chief Commissioner | ... Chairman |
| (2) Home Secretary | ... Member |
| (3) Finance Secretary | ... Do |
| (4) Deputy Commissioner-cum-Estate Officer | ... Do |
| (5) Chief Engineer, Capital Project | ... Do |
| (6) Senior Superintendent of Police, Chandigarh | ... Do |
| (7) A representative of the CIB i.e., the S.P.D. Incharge of the S.P.E. Branch, Ambala | ... Do |
| (8) Assistant Secretary (Home) | ... Member-Secretary |
12. Sub-Committee for the promotion of Yoga—
- | | |
|---|--------------|
| (1) Finance Secretary, Union Territory | ... Chairman |
| (2) Director of Sports, Union Territory | ... Member |
| (3) Joint Director, Public Instruction, Union Territory | ... Do |
| (4) Yoga Organizer, Union Territory | ... Convener |
| (5) One Sports Representative of Vice-Chancellor, Punjab University | ... Member |
| (6) Deputy Director Sports, Haryana | ... Do |
| (7) Assistant Director Sports, Punjab | ... Do |

Note :—The names of the individuals holding particular posts have been omitted because they are likely to change after some time for one reason or the other.

Legislature

In the primitive ages, *Laws* were not made but discovered by Governments and religious authorities out of folkways and mores based upon the customs of the people. Later, *Laws* took the form of ordinances or decrees issued by the Executive for the maintenance of peace. In the modern times, we hear of parliaments, congress or parliamentary sovereignty. The characteristic feature of parliamentary government is the fact that the executive and the legislature work in close correspondence with each other. Switzerland has experimented successfully with direct legislation by means of the referendum and initiative. Referendum means 'Refer to the people', and under this device, the people are consulted before a law is finally adopted. Initiative is a device through which people can propose legislation, the right of a definite number of voters to propose an amendment to the constitution, the drafting of a law or a single constitutional or legal ordinance or to demand a popular vote upon it.

The organization of the Legislature has been a much discussed question. The supporters of one chamber like Abbe Sieyes say, "The Law is the will of the people; the people cannot at the same time have two different wills on the same subject, therefore, the legislative body which represents the people ought to be essentially one. If the upper chamber agrees with the first chamber, it is superfluous; if it disagrees with the first it is mischievous." The single omnipotent democratic chamber may play in the hands of an individual despot and works with much less sense of responsibility and much less real deliberation. Mill said, "The same reason which induced the Romans to have two consuls makes it desirable that there

should be two chambers, so that neither of them may be exposed to the corrupting influence of undivided power even for the space of a single year." Bicameral legislature is the usual practice everywhere, especially as regards the Centre. In provinces and the component units of a federation, there is no uniform practice. Though there are two chambers in Indian Parliament, yet in some of the States, we have only one chamber. Law making is not the only function of Legislature. Other functions of the legislature include (i) passing of legislation on matters within its jurisdiction; (ii) control over Governmental administration, including the activities of the Council of Ministers who are responsible to it; (iii) controlling the purse, that is, to sanction the budget and authorise the imposition and collection of taxes.

There are three types of models which define relationship of the Legislature and the Executive; British type makes cabinet the steering committee of Parliament, French makes the cabinet entirely dependent on the legislature even for its existence, in Switzerland the executive is non-partisan and there is separation of powers, the Legislature and the executive have no vital points of contact for close cooperation. The basic feature of Indian constitutional system resembles that of Britain where the cabinet makes laws and carries on the administration with the consent of Parliament. All ministers are members of one or the other House of Parliament, and attend the meetings of Parliament, move and pilot bills, participate in debates, answer questions and defend their policies.

In the Constitution of the Republic of India, the structure of the Legislatures, their powers and functions have been prescribed. Parliament is the supreme legislative body and exercises all legislative authority in the Republic in the name of the people and for the people. Parliament has the power to make laws with respect to the Union Territories. Article 246 deals with the distribution of legislative powers between the Union and the State Legislatures with reference to the different lists in the Seventh Schedule. Government of India Act, 1935 also provided that the Federal Legislature had, and a Provincial Legislature had not, any power to make laws with respect to any of the matters enumerated in the Federal Legislative List. The Union Parliament has full and exclusive power to

legislate with respect to matters in Union List and has also concurrent power to legislate with respect to matters mentioned in the Concurrent List. The Legislature of every State has exclusive power to make laws with respect to any of the matters specified in the State List or Concurrent List. In case of inconsistency between the law made by Parliament and that made by the State Legislature, it is the former which prevails, and the State law, to the extent of the repugnancy, is void. Irrespective of the three lists, Parliament can make laws with regard to any subject in the State List, if the Council of States declares it to be expedient in the national interest. Parliament can also make laws regarding subjects in the State List on the request of two or more States. Finally, in an emergency, the executive and legislative authority of the Union can be extended to cover the entire field of the State List.

Under Article 246(4), Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a State notwithstanding that such matter is a matter enumerated in the State List. There is no distribution of powers between the Parliament and the legislatures of the Union Territories, Parliament being supreme over the whole Legislative field. This provision has specially been incorporated for the centrally administered areas because there are no legislatures in many of them. The Parliament has also the power to extend a law made by a State to a Union Territory. [Mittal Lal Vs. State of Delhi, A. 1958 S.C. 682(685-6)]. A State Legislature can also adopt and incorporate an Act made by another State Legislature, relating to a subject with respect to which it has legislative power. Parliament is also competent to make laws with respect to subjects included in the State List to have application to Union Territories [Refer to Notes for case law].

Union Territories in the present shape are a recent creation and it becomes necessary to extend or enact laws for their proper governance. In Goa, Daman and Diu, for instance, after 1962, many Laws and Acts passed by the Parliament had to be extended (Refer to Table showing the list of Indian Acts in Force in Goa, Daman and Diu). It is also true of other Union Territories but for want of space, only one Union Territory has been included for ready reference.

TABLE

List of Some of Indian Acts in Force in Goa, Daman and Diu

S. No.	Title of the Act	Date of notification	Date on which the Act came into force
1.	Citizenship Act, 1955 (57 of 1955)	17-3-62	17-3-62
2.	Press and Registration of Books Order, 1962	27-7-62	27-7-62
3.	Registration of Societies Order, 1962	29-8-62	29-8-62
4.	The Goa, Daman and Diu (Repeal of Posts and Telegraphs) Regulation, 1962	24-9-62	24-9-62
5.	Interim Grants-in-Aid Code for Primary Schools in Goa, Daman and Diu	29-8-62	29-8-62
6.	The Foreigners Law (Application and Amendment) Ordinance, 1962	14-12-62	14-12-62
7.	The Delhi Special Police Establishment Act, 1946	27-12-62	27-12-62
8.	The Prevention of Corruption Act, 1947	19-12-62	15-12-62
9.	The Indian Trade Union Act, 1926	15-12-62	15-12-62
10.	The National Cadet Corps Act, 1918.	19-12-62	19-12-62
11.	Foreigners Act, 1946	15-12-62	19-12-62
12.	Registration of Foreigners Act, 1939	15-12-62	19-12-62
13.	Industrial Employment (Standing Orders) Act, 1946	17-12-62	19-12-62
14.	Industrial Disputes Act, 1947	17-12-62	18-12-62
15.	Multi-Unit Cooperative Societies Act, 1912		
16.	The Maharashtra Cooperative Societies Act, 1960	17-12-62	18-12-62
17.	Essential Commodities Act, 1935	18-12-62	18-12-62
18.	Territorial Army Act, 1918	27-12-62	27-12-62
19.	Industrial Finance Corporation Act, 1918	19-12-63	1-1-64
20.	Industries (Development and Regulation) Act, 1951	2-12-63	1-1-62
21.	The Land Improvement Loans Act, 1883	2-1-63	4-1-62
22.	The Agriculturists Loans Act, 1884	2-1-63	4-1-63
23.	Provisional Collection of Taxes Act, 1931	4-1-63	4-1-64
24.	Central Sales Tax Act, 1956	21-1-63	21-1-64
25.	Indian Ports Act, 1908	19-1-63	26-1-63
26.	Capital Issue (Control) Act, 1947	19-1-63	26-1-63
27.	Companies Act, 1956	19-1-63	26-1-63
28.	Untouchability (Offences) Act, 1955	19-1-63	26-1-63
29.	Indian Boilers Act, 1923	19-1-63	26-1-63
30.	Contingency Fund of India Act, 1950	29-1-63	30-1-63
31.	The Sea Customs Act, 1879	30-1-63	31-1-63
32.	The Opium Act, 1857	31-1-63	31-1-63
33.	The Opium Act, 1878	-do-	31-1-63
34.	The Indian Works of Defence Act, 1903	-do-	31-1-63
35.	The Indian Passport Act, 1920	-do-	31-1-63
36.	The Indian Emigration Act, 1922	-do-	31-1-63
37.	The Manoeuvres Field Firing and Artillery Practice Act, 1938		-do-
38.	The Armed Forces (Emergency Duties) Act, 1917	-do-	-do-
39.	The Seaward Artillery Practice Act, 1919	-do-	-do-
40.	The Army and Air Force (Disposal of Private Property) Act, 1950	-do-	-do-
41.	The Air Force Act, 1950	-do-	-do-
42.	The Army Act, 1950	-do-	-do-
43.	The General Clauses Act, 1897	22-1-63	30-1-63

<i>S. No.</i>	<i>Title of the Act</i>	<i>Date of notification</i>	<i>Date on which the Act came into force</i>
44.	The Indian Red Cross Society Act, 1920	28-1-63	28- 1-63
45.	The Indian Electricity Act, 1910	31-1-63	15- 4-63
46.	The Central Board of Revenue Act, 1924 (4 of 1924)	20-2-63	28- 2-63
47.	The Central Excise and Salt Act, 1944	27-2-63	1- 3-63
48.	The Additional Duties of Excise (Goods of Special Importance) Act, 1957	27-2-63	1- 3-63
49.	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958	27-2-63	1- 3-63
50.	Indian Official Secrets Act, 1923	2-3-63	11- 3-63
51.	Foreign Exchange Regulation Act, 1947	11-4-63	15- 4-63
52.	The Government Trading Taxation Act, 1926	2-3-64	11- 3-63
53.	The Payment of Taxes (Transfer of Property) Act, 1949	11-4-63	15- 4-63
54.	The Estate Duty Act, 1953	Nil	1- 4-63
55.	The Wealth Tax Act	do	1- 4-63
56.	The Gift Tax Act, 1958	do	do
57.	The Income Tax Act, 1961	do	do
58.	The Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1961	do	do
59.	The Code of Civil Procedure Act, 1908	25-9-65	25- 9-65
60.	The Arbitration Act, 1940	25-9-65	25- 9-65
61.	The Requisitioning and Acquisition of Immovable Property Act, 1952	15-3-67	15- 3-67
62.	The Indian Carriage by Air Act, 1934	15-3-67	15- 3-67

Note. The Acts from No. 52 to No 58 are included in the Taxation Laws (Extension to Union Territories) Regulation, 1963, promulgated by the President of India on April 1, 1963.

Article 245 authorises Parliament to make any law for the whole or any part of the territory of India. Section 51 of the Australian Constitution also grants the Parliament the power to make laws for the peace, order, and good government of the Commonwealth. The territory of India which has been described in Clause 3 of Article 1 includes (i) State territories, (ii) The Union Territories and (iii) territories which may be acquired by the Government of India. The territorial jurisdiction of the Parliament is subject to other provisions of the Constitution. The laws passed by the Parliament are operative throughout India but the restrictions imposed by the Constitution are to be satisfied. For example we can take Para 5(1) of the Fifth Schedule which states that "Notwithstanding anything in this Constitution, the Governor may by public notification, direct that any particular Act of Parliament or of the

Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect." Similarly Para 12 of the Sixth Schedule puts certain restrictions for the application of Acts of Parliament and of the Legislature of the State to autonomous districts and autonomous regions.

Article 240 places the regulations made by the President *at par* with the force and effect of an Act of Parliament. The President is competent by his regulations to repeal or amend any law made by Parliament if it concerns Union Territories. Therefore, the general legislative powers of Parliament are subject to modifications made by the President's regulations. The President now cannot enforce his regulations for the Union Territory of Goa, Daman and Diu, Pondicherry etc. because the Legislatures duly elected by the people have started functioning there. As regards N.E.F.A. Tract, Para 18(2) of the Sixth Schedule lays down that the provisions of Article 240 shall apply to such area as if it were a Union Territory. Therefore, President makes regulations for the administration of some of the tribal areas, e.g. North-East-Frontier Areas (Administration) Regulation (1 of 1954), the Tuensang Frontier Division (Undesirable Persons) Regulation, 1955, the Naga Hills-Tuensang Area (Administration) Regulation (6 of 1957), etc. etc.

India (Provisional Constitution) Order, 1947 under Section 96 provided that the Governor-General might make regulations for the peace and good government of the Andaman and Nicobar Islands, and any regulation so made would repeal or amend any Act of the Dominion Legislature or any existing law, and when promulgated by the Governor-General, would have the same force and effect as an Act of the Dominion Legislature which applied to the Provinces. Under Article 240, the President has been authorised to make regulations for the peace, progress and good government of the Union Territory of (a) the Andaman and Nicobar Islands ; (b) the Laccadive; Minicoy, and Amindivi Islands and (c) Dadra and Nagar Haveli. The article further provides that the regulations made by the President shall have the force and effect of an Act of

Parliament. He can repeal, and amend any law made by the Parliament.

The Territorial Councils Act, 1956 provided Territorial Councils to the Union Territories of Himachal Pradesh, Manipur and Tripura. The total number of seats to be filled by persons chosen by direct election on the basis of adult suffrage from territorial constituencies was fixed at forty-one in the case of Himachal Pradesh and thirty in case of the Territorial Councils of Manipur and Tripura. Two members were to be nominated by the Government. In Himachal Pradesh, twelve seats were reserved for the Scheduled Castes. The term of the Council was five years and it had perpetual succession and a common seal, with power to acquire, hold and dispose of property. The Council elected its Chairman and Vice-Chairman. The Council was called upon to perform very important functions :— *viz.*, the maintenance and management of moveable and immovable property, establishment, maintenance and management of education and health, the regulation and control of major communications, initiation, inspection and control of relief works etc. It met for the conduct of business at least once in every two months, the Council was given authority to levy (a) either or both of taxes on professions, trades, callings and employments, and (b) tolls on bridges constructed or maintained at the cost of the Council. The Council could also, with the previous approval of the Central Government, borrow on the security of any property belonging to it. A finance committee was to be appointed which would submit an estimate of the income and expenditure of the Council for the next financial year. When the Central Government was satisfied that the Council was not competent to perform its duties or abused its powers, it could supersede the Council but only after giving it a reasonable opportunity. The Central Government had powers to make rules on many subjects but they were to be laid within thirty days before both Houses of Parliament. The Council had the power of making by-laws.

The Government of Union Territories Act, 1963, provided Legislative Assemblies for Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry. The members are chosen by direct election and are forty in the case of Himachal Pradesh and thirty for Manipur, Tripura, Goa,

Daman and Diu and Pondicherry. The Central Government is authorised to nominate three persons. Seats are reserved for the Scheduled Castes and the Scheduled Tribes in all the territories except Goa, Daman and Diu. The person who wants to qualify for membership must be a citizen of India and should have completed twenty-five years of age. The term of the Assembly is five years, but this period may be extended by the President in the case of a Proclamation of Emergency for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate. Two members are chosen as Speaker

TABLE
PARLIAMENT

Allocation of seats according to the First Schedule of the Representation of the People Act, 1950 as amended by the Representation of the People (Amendment) Act, 1966

Name of Union Territory or Area	Total Seats allotted in		Number of seats reserved for the Scheduled Castes in Lok Sabha	Number of seats reserved for the Sched- uled Tribes in Lok Sabha
	Lok Sabha	Rajya Sabha		
1. Andaman & Nicobar Islands.	1	—	—	—
2. Chandigarh.	1	—	—	—
3. Dadra & Nagar Haveli.	1	—	—	1
4. Delhi.	7	3	1	—
5. Goa, Daman & Diu.	2	—	—	—
6. Himachal Pradesh.	6	2	1	—
7. Lakshadweep.	1	—	—	—
8. Manipur.	2	1	—	1
9. Pondicherry.	1	—	—	—
10. Tripura.	2	1	—	—
11. North-East Frontier Agency (Tract)	1	—	—	—
Total :	25	7	2	2

and Deputy Speaker. All questions at any sitting of the Assembly of a Union Territory are determined by a majority of votes of the members present and voting other than the Speaker. The quorum is one-third of the total number of members of the Assembly. The Assembly can make laws for the whole or any part of the Union Territory with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union Territories. This power does not derogate from the powers conferred on Parliament by the Constitution to make laws with respect to any matter for a Union Territory or any part thereof. If any provision of a law made by the Legislative Assembly of a Union Territory is repugnant to any provision of a Law made by Parliament, then the Law made by the Parliament prevails.

The money bills can be moved into the Assembly only on the recommendation of the Administrator. After a bill has been passed by the Legislative Assembly it is presented to the Administrator, who reserves it for the consideration of the President. The President may direct the Administrator to return the bill, together with a message for reconsideration. The Administrator, in each financial year, with the previous approval of the President, presents a statement of the estimated receipts and expenditure, showing separately :—

- (a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Union Territory and,
- (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Union Territory.

The following expenditure is charged on the Consolidated Fund :—

- (a) the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order ;
- (b) the charge payable in respect of loans advanced to the Union Territory from the Consolidated Fund of India including interest, sinking fund charges and

<i>Revised Estimates 1966-67</i>	<i>Budget Estimates 1967-68</i>
Rs.	Rs.
21,20,600	21,18,700
47,17,000	61,34,200
2,68,300	2,78,600
1,39,21,000	1,18,83,900
1,07,70,000	4,41,01,000
49,58,000	71,72,000
61,99,300	70,34,200
1,20,000	11,30,000
21,06,900	21,75,600
1,11,81,700	1,35,23,400
22,000	1,14,000
9,03,97,600	9,91,24,000
49,85,300	64,11,000
8,51,12,300	9,27,12,800
—	—
9,03,97,600	9,91,24,000
40,45,400	—
—	—
368,52,500	4,57,75,200
19,50,000	51,00,000
418,02,500	508,75,200
418,02,500	508,75,200
458,47,900	508,75,200
10,00,000	10,00,000

redemption charges, and other expenditure connected therewith ;

- (c) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly ;
- (d) expenditure in respect of the salaries and allowances of a Judicial Commissioner ;
- (e) Any sum required to satisfy any judgment, decree or award of any court or arbitral tribunal ;
- (f) expenditure incurred by the Administrator in the discharge of his special responsibility ;
- (g) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly of the Union Territory to be so charged.

So much of the estimates which relate to expenditure chargeable on the Consolidated Fund are not submitted to the vote of the Legislative Assembly, but the discussion in the Assembly on any one of them is allowed. The custody of the Consolidated Fund, the payments of money etc. are regulated by rules made by the Administrator with the approval of the President. The Administrator may make rules regulating matters connected with the payment of money into, and the withdrawal of money from the Contingency Fund. The reports of the Comptroller and Auditor-General of India relating to the amounts of a Union Territory are submitted to the Administrator who causes them to be laid before the Assembly. The estimates which relate to other expenditure are submitted in the form of demands for grants to the Legislative Assembly. All demands for grants are made on the recommendation of the Administrator. The business in the Assembly is transacted in Hindi or in English. The Speaker can permit any member to address the Assembly in his mother-tongue.

As in the Legislatures of States and the Parliament, the Assembly of each of Union Territory of Himachal Pradesh, Manipur, Goa, Daman and Diu, Pondicherry and Tripura have made their rules of procedure for the conduct of the business. The courts have no jurisdiction to question the validity of any proceeding in the Assembly on the ground of any alleged irregularity of procedures. No officer or member

of the Assembly in whom powers are vested for regulating procedure in Assembly is subject to the jurisdiction of any court in respect of the exercise by him of those powers. When the Legislature meets for the first time after new elections, the members are first of all called upon to take the oath. Immediately, thereafter, they proceed to elect their Speaker and then their Deputy Speaker.

The Assembly is presided over by the Speaker and in his absence by the Deputy Speaker who is elected by the House from among its own members. The Speaker has to vacate his office if he ceases to be a member of the Assembly or if he resigns or is removed from his office by a resolution of the Assembly passed by a *majority* of all the members of the House. No resolution for his removal can be moved unless at least fourteen day's notice has been given. Whenever the Assembly is dissolved, the Speaker does not vacate his office until immediately before the first meeting of the Assembly after the dissolution. When the office of the Speaker is vacant, the duties of the office are performed by the Deputy Speaker and if at that time the office of the Deputy Speaker is also vacant they are performed by such person as may be determined by the rules of procedure of the Assembly. The Speaker has the right to speak freely and to take part in the proceedings of the House. At any sitting of the House while any resolution for his removal is under consideration, the Speaker does not preside even though he is present. The Speaker and the Deputy Speaker get such salaries and allowances as may be respectively fixed by the Legislative Assembly of the Union Territory by Law.

He adjourns the House or suspends its meeting if there is no quorum. Any member who resigns his office addresses his letter of resignation to the Speaker. The rules of procedure of each Assembly confer upon him a variety of powers for the detailed conduct of the business of the House. His decision to admit notices of questions, motions, resolutions, bills, amendments etc. is final. He has formidable powers to maintain discipline in the House and to conduct its proceedings in accordance with the rules. He has been called as "the guardian and custodian of the rights and privileges of the members, both in their individual capacity and on the group or party basis".

He may check the use of unparliamentary language and may direct a member to cease speaking and order any member to leave the House, in case he acts against the dignity and order of the House. He decides as to who shall speak in the House and all members address the House by addressing the Speaker only. He gives permission for the asking of questions and declares the result of every voting taken.

The rules of business of the Assemblies of all the Union Territories where the elected legislatures are provided, e.g., Himachal Pradesh, Goa, Daman and Diu, Pondicherry, Tripura and Manipur are more or less the same. There are only slight variations in the timings for the sessions, the use of the language in the Assembly and the composition of the Legislative Committees etc. The members enjoy certain privileges for the exercise of independent discretion and the efficient performance of the task handed over to them by the electorate. It is the accepted principle that fear or favour should not stand in the way of the representatives of the sovereign people in having their way in their Assembly. The powers, privileges and immunities of every member are prescribed.

In Tripura, the Legislative Assembly meets from 11 A.M. to 5 P.M. with one hour's break from 1 P.M. to 2 P.M. on the days as the Speaker may decide (except on Saturdays, Sundays and other public holidays when there can be no sittings). Ten members including the Speaker or the presiding member constitute a quorum. A copy of every bill introduced in the Assembly is immediately after its introduction, forwarded by the Secretary to the Administrator and the President for their information. After the bill has been debated upon and passed, it is submitted to the Speaker for his signatures after which it is submitted to the Administrator who reserves it for the consideration of the President. When the assent of the President is given, the bill is submitted in the Gazette as an Act of the Legislature assented in India's President.

A great in Himachal Pradesh, the first Advisory Council was are necess in September 1948 to advise the Chief Commissioner of administration of general policy, development schemes and legislative recommendations consisted of (i) six public representatives i.e. Shrimati which should, Y.S. Parmar, Shri Mehta Avtar Chand, Swami regulations, 1 Shri Padam Dev and L. Shiv Charan Dass and

(ii) three rulers, Rajas of Mandi, Chamba and Bhagat. The Parliament enacted the Part C States Government Act, 1951 and conceded responsible government of a limited character to six of the Chief Commissioners' States. Himachal Pradesh was made a Part C State under a Lieutenant-Governor, and a Legislative Assembly consisting of 36 members. After the merger of Bilaspur in 1954, the number of the members of the Legislative Assembly increased to 41. The States Reorganisation Commission, 1956 made Himachal Pradesh a territory under the direct Central Administration and the Legislative Assembly was replaced by the Territorial Council.

The functions of the Council related to Education upto Higher Secondary, Medical and Animal Husbandry, Construction and Repairs of roads etc. but the more important subjects remained with the administration headed by the Lieutenant-Governor. There was the provision of an Advisory Committee consisting of the Lieutenant Governor, all M.Ps. from Himachal Pradesh, the Chairman of the Territorial Council and the General Manager, Bhakra Dam. There was also an Advisory Board consisting of Lieutenant-Governor (Chairman), all the M.Ps. some M. L. C's. and public men to advise the Government on matters relating to Planning. The Council had 41 elected and two nominated members, Shri Karan Singh was elected as Chairman of the Council. A relentless struggle for the restoration of democracy was waged by the local people during the period Oct., 1956 to April 1963 when the popular demand was viewed favourably and a democratic set up was given to Himachal Pradesh, after a lapse of about six and a half years. On July 1, 1963, a three member *cabinet*, headed by Dr. Y. S. Parmar, who was also the Chief Minister of Himachal Pradesh when it was a Part C State from 1952 to October, 1956, was sworn in. It had 43 members, 41 elected and 2 nominated. After reorganisation in November, 1966, more areas were added to it and the strength of the Assembly went up to 63. Consequently the number of districts and administrative units also changed.

The Himachal Pradesh Legislative Assembly meets at Simla from 10 00 A.M. to 2 P.M. on all working days except Saturdays. The quorum is one-third of the total members of the House. On the first working day of every week when the House meets, the Leader of the House or any

minister informs the business which is to be transacted during the next week. After making all the verbal or consequential amendments the bill is submitted to the Administrator who reserves it for the consideration of the President. When the assent of the President is obtained, the bill is published in the Gazette as an Act of the Legislature.

In Manipur, Legislature was forcibly dissolved in the year 1949 at the time of integration. People had to struggle for the revival of Legislature. From 1954 to 1960 there were mighty agitations and several people were brutally beaten. One committee consisting of all representatives of the different communities of Manipur came to Delhi and met the then Home Minister Mr. Pant. The first Legislative Assembly of Manipur was inaugurated at Imphal on 22nd July, 1963 by the Chief Commissioner Shri J.M. Rania. The Chief Minister Shri Koiren Singh said on the inaugural occasion, "It has fallen upon me and my colleagues to shoulder the heavy responsibility of giving proper shape to the newly established democracy. If we fail history will not excuse us". Most of the legislative proposals, even of the non-financial type, are presented to the Assemblies by ministers, though there is no bar on any member. The proposals are sent alongwith all the relevant papers to an official who puts the proposals into the form of a bill. A duly corrected proof copy of the bill is submitted to the secretariat of the Assembly in which it is sought to be introduced. After a bill has been introduced and copies made available to members of the House, three readings start, on the same pattern as is followed in other State Assemblies. After the motion for reference of the bill to a Select Committee is carried, the House appoints committees as laid down in the rules. Over-burdened by an ever increasing legislative load, the Assembly has neither the time nor the knowledge necessary for close and expert examination of the vast number of bills submitted to it. The practice of delegated legislation has existed in India for a long time and Union Territories are no exception. A great number of laws, often complex and technical in character, are necessary for regulating activities and keeping the wheels of administration running. The Law Commission has recently recommended the establishment of a committee of experts which should be charged with the duty of scrutinizing all rules, regulations, and orders before they are placed on the table.

TABLE

Particulars about the electorate and the number of seats, valid votes polled, and number of Scheduled Caste and Scheduled Tribe Members in Lok Sabha and Assemblies in 1967 General Elections.

Union Territory	Lok-Sabha				Assemblies			Remarks
	Electorate	Seats	Scheduled Castes Tribes	Valid votes polled	Seats	Scheduled Castes Tribes	Valid votes polled	
1. Andaman & Nicobar Islands	46,253	1	—	36,732	—	—	—	No Legislative Assembly
2. Chandigarh	73,337	1	—	49,155	—	—	—	-do-
3. Dadra & Nagar Haveli	29,554	1	—	21,248	—	—	—	-do-
4. Delhi	1,686,065	7	1	1,21,161	—	—	—	-do-
5. Goa, Daman & Diu	388,193	2	—	—	30	—	—	Elections to be held later
6. Himachal Pradesh	1,581,414	6	1	528,051	60	14	3 693,346	—
7. Laccadives, Minicoy and Amindivi Islands	14,504	1	—	11,807	—	—	—	No Legislative Assembly
8. Manipur	470,896	2	—	315,162	50	—	9 312,005	—
9. Pondicherry	216,659	1	—	158,872	30	5	— 433,602	—
10. Tripura	599,350	2	—	438,758	30	3	9 —	—
Total :—	5,106,215	24	2	2,680,956	180	22	21 —	—

The elections do not necessarily lead to the election of experts and are also not intended to do so. In order to make the Assembly work smooth, efficient and expeditious, committees are a necessary adjunct to enable assembly to feel the pulse of the public on proposals of legislation that are introduced for its consideration. The committees are not statutory bodies created by the Constitution but their number and functions would depend upon the amount of work the Assembly has undertaken and the degree of interest it displays. The committee system has become absolutely necessary because (a) there is overflow of business to the Assemblies, (b) the legislation has become highly specialised and technicalities involved in it cannot be discussed and understood by the full House, (c) due to the limited number of members, they serve as the best medium for dispassionate deliberation, (d) it helps to save time and gain efficiency. The committees perform their duties under the guidance of a Chairman and sometimes under a Secretary. A Secretary is often, a senior civil servant who places all the loyalties and duties to its business so that the business is transacted efficiently. He has a primary responsibility to prepare and complete the agenda and to provide all material for deliberations at the right time and in the right form. The status and influence of the Chairman depends upon his success in promoting and maintaining order. He is, often, the member of the committee and acts as its guardian and adviser, and may even be called upon to assert the rights of the committee.

After the commencement of the first session after each General Election, different committees each consisting of six members (whose consent is obtained) are constituted. The term of office of members of each of these committees is one financial year and the Chairman of each of these committees is appointed by the Speaker from amongst members of the House. The Secretary is the *ex-officio* secretary of all the committees, the quorum to constitute a meeting of the committee is generally not less than three members. The committees may further appoint one or more sub-committees, each having the powers of the undivided committee. In Tripura, Business Advisory Committee is nominated by the Speaker and it recommends the time that should be allocated for the discussion of the stage or stages of such Government bills or

other Government business as the Speaker in consultation with the Leader of the House refer. Committee on Public Accounts examines the reports of the Comptroller and Auditor-General of India relating to the appropriation accounts of the State, the annual financial accounts of the State etc. The members of the committee are elected by the House every year from amongst its members according to the principle of proportional representation by means of a single transferable vote but no minister can be a member of this committee. The Committee on Estimates is appointed (a) to report what economies, improvements in organisation, efficiency or administrative reforms consistent with the policy underlying the estimates may be effected, (b) to suggest alternative policies in order to bring about efficiency and economy in administration, (c) to examine whether the money is well laid out within the limits of policy implied in the estimates and (d) to suggest the form in which the estimates shall be presented to the Assembly. The Speaker nominates a Committee on Petitions to examine every petition referred to it and it reports to the Assembly about the subject matter of the petition, the number of the persons by whom it is signed, and whether it is in conformity with the rules. To consider matters of procedure and conduct of business of the House and to recommend any amendment or addition considered necessary, the Speaker nominates a Committee on Rules of Procedure and conduct of business.

In Himachal Pradesh, the quorum to constitute a meeting of any committee is not less than one-third of the total number of members of the committee. Business Advisory Committee consists of not more than 7 members including the Speaker and the Deputy Speaker. The Speaker is the *ex-officio* chairman of the Committee. The Committee on Public Accounts and Committee on Estimates consists of 7 members elected by the House every year from amongst its members according to the principle of proportional representation by means of a single transferable vote. A Committee on Government Assurances consisting of not more than 7 members nominated by the Speaker scrutinizes the assurances, promises, undertakings etc. given by ministers from time to time on the floor of the house and reports on the extent to which such assurances, promises and undertakings have been implemented. Committee on Delegated Legislation considers (i) whether the

delegated legislation is in accordance with the general objects of the Constitution or the Government of Union Territories Act, 1963, or the Act pursuant to which it is made, (ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of Legislature. The Speaker nominates the Committee of Procedure and Conduct of Business.

There is a special Standing Committee of the Legislative Assembly for the Hill Areas of Manipur. It consists of all the members of the Legislative Assembly who for the time being represent the constituencies situated in the Hill Areas. The Chief Minister and the Speaker are debarred from becoming the members. Every minister has the right to speak but cannot vote if he is not a member of such a committee. The committee deals with the following matters in so far as they relate to the Hill Areas :—

- (a) the allotment, occupation, or use, or the setting apart of land for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for other purposes likely to promote the interests of the inhabitants of any village or town situated within the Hill Areas;
- (b) the management of any forest not being a reserved forest ;
- (c) the use of any canal or water course for purposes of agriculture ;
- (d) the regulation of the practice of *Jhum* or other forms of shifting cultivation ;
- (e) the establishment of village or town committees or councils and their powers and any other matter relating to village or town police and public health and sanitation ;
- (f) the appointment or succession of chiefs or headmen ;
- (g) the inheritance of property ;
- (h) marriage and social customs.

Every bill which relates to above categories is referred to the Standing Committee for consideration and report to the Legislative Assembly. If there is a difference of opinion between the two, the Speaker submits such a bill to the Administrator.

- (a) in any case where the bill has been passed by the Legislative Assembly in a substantially different form, the bill as passed by the Assembly together with the bill as reported by the Standing Committee ;
- (b) in any case where the bill is rejected by the Assembly, the bill as reported by the Standing Committee.

The Administrator may decide the fate of the bill in any form he likes. The Standing Committee has powers to consider and pass resolutions recommending to the Administrator any legislative or executive action which falls within their jurisdiction. The Council of Ministers normally give effect to the recommendations of the Standing Committee. In case of divergence of opinion, the matter is referred to the Administrator whose decision is final and binding on both the parties. The administrators in Manipur and Tripura are called Chief Commissioners and not as Lieutenant Governors as printed at Page 85 through oversight.

The Legislative Assemblies do not perform their real function of making laws, nor do they govern the territory. Their main function is to give the government the support it needs in carrying out these functions. They have, however, been able to perform the functions of criticism and ventilation of grievances. Nevertheless, the people of these Union Territories have come to accept the leadership of the cabinet. In actual practice, most of the bills submitted to the Assemblies are sponsored by the Government and are invariably approved. The opposition parties are not coherently organised, because of their conflicting ideologies. By asking questions and raising debates on adjournment motions, the opposition seeks to expose the Government's errors of omission and commission. According to Tierney, the duty of the opposition is "to propose nothing, to oppose everything and to turn out the Government". Such a role can be effective only where there are two well-organised and disciplined parties. At present Congress Party is predominating in all the Union Territories (Manifesto given in the notes), so opposition parties do sometimes join to oust it. The Government in every Union Territory is aware that this opposition is there to exploit every possible situation so this awareness acts as a strong check on the Government and frequently induces it to modify its policy so as to steal the

thunder of—the opposition and to keep on the right side of public opinion.

After becoming the Union Territory on November 1, 1956, Delhi was administered by the Union Ministry of Home Affairs with the aid of an Advisory Council composed of Home Minister, Delhi M.P's, the Mayor, the Vice-Chancellor of Delhi University, the President of the New Delhi Municipal Committee, the Inspector-General of Police and two Advisers—Chairman Public Relations Committee and Chairman Industrial Advisory Board. The Delhi Administration Act, 1966 provided for a Metropolitan Council for Delhi consisting of fifty-six directly elected persons and five nominated members. It has the right to discuss, and make recommendations for proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule. The recommendations of the Council, after having been duly considered by the Executive Council, are forwarded by the Administrator to the Central Government. The Executive Council consists of four members, one of whom is designated as the Chief Executive Councillor and others as the Executive Councillors to assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State List or the Concurrent List.

The Union Territories Act, 1963 gave a full-fledged Assembly to Pondicherry and a popular ministry of six ministers, including a Chief Minister responsible to the Legislative Assembly, came into being with effect from July 1, 1963. A Lieutenant-Governor was appointed on October 14, 1963. A member each was elected to the Rajya Sabha and the Lok Sabha. After liberation the territories of Dadra and Nagar Haveli became administrative units and panchayats were formed in villages. A *varishta Panchayat* or People's Assembly was set up for Dadra and Nagar Haveli, the executive powers vested in an Administrator appointed by the President of India. Varishta Panchayat which had been administering the two enclaves requested the Government for integration. In June, 1961, the Government of India recognised the said Panchayat as able to exercise an advisory role on the pattern of Territorial Councils, and the bill was passed by Parliament in 1961. One member from this area was nominated to the Lok Sabha by the Union President.

The distribution of seats among the different States and Union Territories is decided by Parliament having regard to the population of each State as determined after each decennial census. Each State is allotted a number of seats in the House of the People so that the ratio between that number and the population of the State is, as far as practicable, the same for all the States. Each State is divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it is, as far as practicable, the same throughout the State. The representatives of each State in the Upper House are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of a single transferable vote. The representatives of the Union Territories are chosen in such manner as Parliament may by law prescribe.

In the Union Territories, there are many political parties and for the sake of study, they can be divided into two broad categories. Firstly there are political parties which are functioning on all India basis, e.g., Congress, Jan Sangh, Communist, Samyukta Socialist Party etc. These parties have established their cells in various territories and they are active throughout the year. Political parties, in one form or the other, are far older than democracy; and are an essential condition for successful working of democratic representative institutions. Bagehot said, "Party Government is the vital principle of representative Government." The Congress enunciates its ideology by stressing that it had always stood for the betterment of the masses and the under-privileged. The Praja Socialist Party stands for the complete overhaul of the administration and for enlarging vastly the powers and resources of local bodies and entrusting them with responsibilities of administrative development. It further reiterates that Swaraj is meaningful only, if every village becomes a republic and the higher organ of administration, a federation of such republics. Jan Sangh has faith in establishment of a Unitary State and feels that the present Legislative Councils have outlived their utility and must be abolished. The Communist Party stands for a comprehensive programme of rapid industrialization and demands nationalization of many agencies. It most emphatically demands radical agrarian reforms and reorganisation of

TABLE

Symbols for Fourth General Election Poll and Reserved for Parties according to a Notification of the Election Commissioner.

<i>Union Territory</i>	<i>Free Symbols</i>	<i>Reserved Symbols</i>	<i>Party for which symbol is reserved</i>
1	2	3	4
1. Delhi.	1. Bicycle 2. Flower 3. Lion 4. Rising Sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Lamp	Indian National Congress Bharatiya Jana Sangh
2. Goa, Daman & Diu.	1. Bicycle 2. Flower 3. Horse 4. Scales 5. Spade 6. Two leaves	1. Two bullocks with yoke on 2. Elephant 3. Lion	Indian National Congress Frente Popularo Maharashtrawadi Gomantak United Goans
3. Himachal Pradesh.	1. Bicycle 2. Flower 3. Lion 4. Rising Sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Star 3. Elephant	Indian National Congress Swatantra Party Republican Party of India
4. Manipur.	1. Bicycle 2. Flower 3. Lion 4. Scales 5. Horse 6. Two leaves	1. Two bullocks with yoke on 2. Tree	Indian National Congress Samyukta Socialist Party
5. Pondicherry	1. Bicycle 2. Flower 3. Horse 4. Scales 5. Spade 6. Two leaves	1. Two bullocks with yoke on 2. Elephant	Indian National Congress People's Front
6. Tripura.	1. Bicycle 2. Flower 3. Horse 4. Rising Sun 5. Scales 6. Two leaves	1. Two bullocks with yoke on 2. Ears of Corns and Sickle 3. Hammer, Sickle and Star	Indian National Congress Communist Party of India Communist Party of India (Marxist)
7. Andaman & Nicobar Islands.	1. Bicycle 2. Boat 3. Scales 4. Two leaves		
8. Chandigarh.	1. Bicycle 2. House 3. Scales 4. Two leaves		
9. Dadra & Nagar Haveli.	1. Bicycle 2. House 3. Scales 4. Two leaves		
10. Laccadive, Minicoy & Aminidivi Islands.	1. Bicycle 2. Boat 3. Scales 4. Two leaves		

There is a *second* category of political parties which are purely local in character. They fight the elections on regional basis or sometime advocate a cause which relates to a certain class or certain area, e.g., United Goans Party, United Democratic Front, Maharashtrawadi Gomantak etc. These parties have not secured any substantial majority in any Union Territory with the result that there is no effective and organised opposition. The opposition consists of antagonistic groups which are fundamentally and ideologically opposed to each other. The Fourth General Election has altered the pattern of political power in the country. The unchallenged monopoly of power at the Centre as well as in the States was shaken up. In the Union Territories, Congress still predominates and it is the strongest party. There is some sudden and precipitous decline of its prestige in the recent years. The epidemic of defections and floor-crossing has made our decade the most dangerous. This infection is travelling all over and how long can Union Territories, which are economically weak and geographically isolated, resist? What is desired is a new and more stable polarisation of political forces, with a relatively small number of political parties, each representing a certain fixed ideology.

NOTES

I

UNION TERRITORY

Representation in Rajya Sabha.

- | | |
|---------------------|---------------------------|
| 1. Delhi—3 | 1. Santokh Singh |
| | 2. Kumari Shanta Vasisht. |
| | 3. Inder Kumar Gujral. |
| 2. Himachal Pradesh | 1. C.L. Verma. |
| | 2. Shivanand. |
| 3. Manipur—1 | S K. Singha |
| 4. Tripura—1 | Vacant |
| 5. Pondicherry—1 | B P. Abraham. |

II

UNION TERRITORY

Representation in Lok Sabha

- | | |
|------------|-----------------------------------|
| 1. Delhi—7 | 1. Ram Gopal Shalwale (J.S.) |
| | 2. K L Gupta (J.S.) |
| | 3. Hardayal Devgun (J.S.) |
| | 4. R.S. Vidyarathi (J.S.) |
| | 5. M.L. Sondhi (J.S.) |
| | 6. Chowdhry Brahm Parkash (Cong.) |
| | 7. Balkaj Madhok (J.S.) |

2. Himachal Pradesh—6

1. Vikram Chand (Cong.)

2. P.C. Verma (Cong.)

3. Hem Raj (Cong.)

4. Vacant.

5. Lalit Sen (Cong.)

6. Pratap Singh (Cong.)

3. Manipur—2

1. M. Meghachandra (Cong.)

2. Paokai Hachip (Ind.)

4. Tripura—2

1. S. M. M. K. B. K. D. Bahadur

(Cong.)

2. J. K. Choudhary (Cong.)

5. Andaman & Nicobar Islands

1. K. R. Ganesh (Cong.)

6. Lacadive, Minicoy

& Amindivi Islands

1. P. M. Sayeed (Ind.)

1. S. R. Dolkar (Cong.)

7. Dadra & Nagar Haveli

8. Goa, Daman & Diu

9. North East Frontier Tract

Vacant.

Vacant. D. Erang (Cong.) has retired

10. Pondicherry.

1. N. Sethuramamo (Cong.)

11. Chandigarh.

1. Sri Chand Goyal (J.S.)

III

Goa Legislative Assembly

TOTAL SEATS—50

1. O.S.J.S. Lobo (U.G.)

16. G. Patil (U.G.)

2. Mrs. E. J. Mhorda (U.G.)

17. L. M. Vello (U.G.)

3. D. K. Chopdenkar (M.G.)

18. A. K. S. Digaonkar (M.G.)

4. V. Sequeira (U.G.)

19. Y. S. Dena (U.G.)

5. M. B. N. Gaonkar (M.G.)

20. R. L. Kinkor (M.G.)

6. L. P. Barbosa (U.G.)

21. Mrs. S. G. Kakodkar (M.G.)

7. R. S. Fernandes (U.G.)

22. S. K. Desai (M.G.)

8. Abdul Razak (U.G.)

23. M. V. Dutta (M.G.)

9. R. J. Barneto (U.G.)

24. T. J. Pereira (U.G.)

10. M. M. Bhatthela (Ind.)

25. P. S. Balod (M.G.)

11. N. S. Fugro (Ind.)

26. Dr. Sequeira (U.G.)

12. A. D. Souza (M.G.)

27. G. A. Kamat (M.G.)

13. M. G. Mayekar (M.G.)

28. P. P. Achrekar (M.G.)

14. D. B. Bandedkar (M.G.)

29. V. S. Kurumli (M.G.)

15. A. N. Naik (U.G.)

30. J. Rana (M.G.)

IV

Himachal Pradesh Vidhan Sabha

TOTAL SEATS—61 (Elected—49, Nominated—3)

1. Hari Ram (Cong.)

7. Dhian Singh (J.S.)

2. Hari Singh Pal (Ind.)

8. D. R. Shunkhyan (Cong.)

3. Bansi Ram (CPI.)

9. Karam Singh (Cong.)

4. Piru Ram (Cong.)

10. Kishori Lal (J.S.)

5. D. R. Malajan (Cong.)

11. K. R. Negi (Ind.)

6. Inder Singh (J.S.)

12. Ved Bhushan (Ind.)

- | | |
|---------------------------|----------------------------|
| 13. Kashmir Singh (Cong.) | 38. Hardial (Cong.) |
| 14. Kultar Chand (Cong.) | 39. Tapindra Singh (Cong.) |
| 15. Lokh Ram (Ind.) | 40. Arjan Singh (Cong.) |
| 16. D. Ram (Cong.) | 41. Kartar Singh (Cong.) |
| 17. Mehnga Singh (Cong.) | 42. Zalam Singh (Cong.) |
| 18. N. Ram (Cong.) | 43. Kunj Bihari (Cong.) |
| 19. Khazan Singh (Cong.) | 44. G. Singh (Cong.) |
| 20. Hari Singh (Ind.) | 45. Y.S. Parmar (Cong.) |
| 21. Churamani (Ind.) | 46. Wazir (Cong.) |
| 22. K. Ram (J.S.) | 47. Vidya Dhar (Cong.) |
| 23. Paras Ram (C.P.I.) | 48. Nalu Ram (Ind.) |
| 24. R. Chandra (Cong.) | 49. Padam Dev (Cong.) |
| 25. Gopi Rao (Cong.) | 50. Vidya Sagar (Ind.) |
| 26. Ram Lal (Cong.) | 51. D.R. Chauhan (J.S.) |
| 27. Nok Ram (Cong.) | 52. D.R. Shabab (Cong.) |
| 28. Hari Ram (Cong.) | 53. Ishar Dass (Cong.) |
| 29. Mansa (Ind.) | 54. Keshav Ram (Cong.) |
| 30. Sita Ram (Cong.) | 55. Durga Chand (J.S.) |
| 31. T.S. Negi (Ind.) | 56. L. Datt (Cong.) |
| 32. L.C. Piarthi (Cong.) | 57. J.B.L. Khaechi (Ind.) |
| 33. Ranjit Singh (Ind.) | 58. Parkash Chand (Ind.) |
| 34. Sukh Ram (Cong.) | 59. Brahmanand (Nomi.) |
| 35. Amar Singh (J.S.) | 60. N.L. Verma (Nomi.) |
| 36. Babu Ram (Ind.) | 61. S.S. Vaid (Nomi.) |
| 37. Amin Chand (Cong.) | |

V

Manipur Legislative Assembly

TOTAL SEATS—32

- | | |
|--------------------------------|-------------------------------|
| 1. L. Singh (Cong.) | 17. M. Ibobai Singh (C.P.I.) |
| 2. Th. A. Singh (S.S.P.) | 18. Kh. Chaoba (Cong.) |
| 3. Y. Nirmai Singh (S.S.P.) | 19. A. Birmagol Singh (Ind.) |
| 4. Md. Chaoba (Cong.) | 20. D. Kipgen (Cong.) |
| 5. Lalroukung (Cong.) | 21. K. Kakhanagai (Cong.) |
| 6. Bijoy Singh (Cong.) | 22. Paokhohang (Cong.) |
| 7. Thambou Singh (Cong.) | 23. M.K. Singh (Cong.) |
| 8. K. Borthakur Sarma (S.S.P.) | 24. Gonkhonpau (Cong.) |
| 9. S. Tombi Singh (Cong.) | 25. S.A. Singh (Cong.) |
| 10. Md. Ahmuddin (Cong.) | 26. W. Mani Singh (Cong.) |
| 11. Ch. Rajmohan Singh (Cong.) | 27. Md. Ashraf Ali (Cong.) |
| 12. S. Ashon (Cong.) | 28. L. Solomon (Cong.) |
| 13. Siba Larho (Cong.) | 29. N. Tombi Singh (Cong.) |
| 14. Y. Yairma Singh (Ind.) | 30. L. Achaw Singh (S.S.P.) |
| 15. K.E. Mashangva (Cong.) | 31. Smt. R.T. Shining (Nomi.) |
| 16. S.G. Singh (Cong.) | 32. Nominated. |

VI

Pondicherry Legislative Assembly

TOTAL NUMBER OF SEATS—30

- | | |
|---------------------------------|-----------------------------------|
| 1. P. Rathnavelu (U.D.F.) | 16. V.K. Subbiah (U.D.F.) |
| 2. R.T. Clementine (U.D.F.) | 17. P. Shanmugam (Cong.) |
| 3. C.M. Achraff (U.D.F.) | 18. Kannichetty P.V.R.N. (U.D.F.) |
| 4. M.K. Jeevarathina (Cong.) | 19. N. Ranganathan (U.D.F.) |
| 5. A.S. Kankeyan (U.D.F.) | 20. N. (U.D.F.) Pillai (Cong.) |
| 6. G. Nagarajan (Cong.) | 21. V.V. Reddhar (Cong.) |
| 7. P. Chennaschellaran (Cong.) | 22. S. Govindaswamy (U.D.F.) |
| 8. S. Padoyachi (Cong.) | 23. R.G. Perumal (Cong.) |
| 9. P. Anganmal (Cong.) | 24. N. Hari Krishnan (Cong.) |
| 10. V.M.C. Vanda Pillai (Cong.) | 25. V.N. Purushothaman (Cong.) |
| 11. P. Marikar (Cong.) | 26. N. Gurusamy (U.D.F.) |
| 12. M.I. Maricar (U.D.F.) | 27. L. Goubert (U.D.F.) |
| 13. Valavil Kesavan (Cong.) | 28. R. Kulandai (Cong.) |
| 14. Manickavasava (Cong.) | 29. Subbarayalu (U.D.F.) |
| 15. Kannichetty P.V.R. | 30. S.T. Kannikarazu (U.D.F.) |

VII

Tripura Legislative Assembly

TOTAL NUMBER OF SEATS—30

- | | |
|-------------------------------|----------------------------|
| 1. B.B. Das (Cong.) | 16. K.C. Das (Cong.) |
| 2. S.L. Singh (Cong.) | 17. D.P. Chowdhary (Cong.) |
| 3. T.M. Dasgupta (Cong.) | 18. S.C. Dutta (Cong.) |
| 4. K. Bhattacharjee (Cong.) | 19. G. Dewan (Cong.) |
| 5. W.K. Roy (Cong.) | 20. P.R. Das Gupta (Cong.) |
| 6. B. Bhan (Cong.) | 21. S.C. Chowdhary (Cong.) |
| 7. U.L. Singh (Cong.) | 22. J.K. Majumdar (Cong.) |
| 8. A.D. Barma (C.P.I.) | 23. N.K. Sarkar (Cong.) |
| 9. B.B. Banerjee (Cong.) | 24. A. Mog (Cong.) |
| 10. M. Nath (Cong.) | 25. H.A. Chowdhry (Cong.) |
| 11. R.C.D. Raulhal (Cong.) | 26. D.K. Chowdhry (Cong.) |
| 12. R.R. Gupta (Cong.) | 27. M. Ali (Cong.) |
| 13. Abdul Wazid (Cong.) | 28. M.D. Barma (Cong.) |
| 14. M.L. Bhattacharya (Cong.) | 29. P.K. Das (Cong.) |
| 15. B.C. Deb Barma (C.P.I.) | 30. A.D. Barma (C.P.I.) |

NOTE ON ABBREVIATIONS

M.G. : Maharashtra Garmantak.

U.G. : United Goans.

Nomi. : Nominated.

S.S.P. : Samyukta Socialist Party.

U.D.F. : United Democratic Front.

VIII

MITHAN LAL Vs. STATE OF DELHI

A.I.R. 1958 S.C.682 (7th April, 1958).

The petitioners were building contractors carrying on business in Delhi and filed applications under Art 32 of the Constitution challenging the validity of certain provisions of the Bengal Finance (Sales Tax) Act (BEN VI of 1941) which had been extended to the State of Delhi by a notification dated 28th April, 1951. Under the Government of India Act, 1935, Delhi was a Chief Commissioner's Province administered by the Governor-General, and under the Constitution it became a Part C State, and Art. 239 vested its administration in the President acting through a Chief Commissioner or a Lieutenant-Governor as he might think fit. Para 8 of the judgment (T.L. Venkatarama Aiyar Justice) said,

It is argued that though Parliament has the power under Art. 246 (4) to make a law imposing tax on construction contracts, that power is subject to the limitation contained in Article 248, that under that Article Parliament has the exclusive power to enact laws in respect of matters not enumerated in the Lists, including taxation, and that such a power could properly be exercised only by Parliament itself imposing a tax and not by it extending the operation of a taxation law passed by the Legislature of a State, and that S.2 of the Part C States (Law Act) must be held to be bad as being repugnant to Article 248 (2) in so far as it conferred on the Government authority to extend a taxation law to Part C States. This argument proceeds on misapprehension of true scope of Art 248. That Article has reference to the distribution of Legislative powers between the Centre and the States mentioned in Parts A and B under the three Lists in Schedule (VII) and it provides that in respect of matters not enumerated in the Lists including taxation, it is Parliament that has power to enact laws. It has no application to Part C States, for which the governing provision is Art. 246(4) : Moreover when a notification is issued by the appropriate Government extending the law of a Part A State to a Part C State, the law so extended derives its force in the State to which it is extended from Section 2 of the Part C States (Laws) Act enacted by Parliament. The result of a notification issued under that Section is that the provisions of the law which is extended become incorporated by reference, in the Act itself and therefore, a tax imposed thereunder is a tax imposed by Parliament. There is thus no substance in this contention.

IX

CONGRESS

Election Manifesto, 1967

It consisted of 49 programmes, which included the following :—

- (i) The genius of the movement for political emancipation is the faith that enduring good to society cannot come through violence, we have decided to bring about through the open and democratic process the social and economic changes our society needs.
- (ii) The State should play an active and dynamic role in planning, guiding and directing the economic development of the country.
- (iii) The nation is pledged to vacate aggression on its territories.
- (iv) The Congress realises that the spirit of Swadeshi needs to be urgently strengthened in the new context of economic and industrial development.
- (v) It is necessary to bring most of the banking institutions under social control in order to serve the cause of economic growth and fulfil

our social purposes more effectively and to make credit available to the producer in all fields where it is needed.

- (ii) A comprehensive plan should be drawn up to link employment opportunities with educational facilities. Emphasis on technical and vocational skills should replace the generalised training, which is a part of our education. Vigorous efforts should be made for adult education and to wipe out illiteracy.
- (vii) Minimum wage Legislation for agricultural labour should be implemented more effectively.
- (viii) The Congress policy of prohibition should be maintained and encouraged. In doing so, while efforts are being made to increase its effectiveness, care should be taken to remove the evils that flow from the manner of its implementation.
- (ix) Every year we have 10 million new mouths to feed. It is of the utmost importance that we take speedy and effective steps to check population growth.
- (x) With humility and confidence the Indian National Congress seeks the mandate of the nation to work for a social order based on freedom and justice which will ensure that every individual has the means and opportunities for a full life and is enabled to make his maximum contribution to the service of the nation.

X

Representation of the People Act 1950.

RELEVANT EXTRACTS

PART IVA

Manner of Filling Seats in the Council of States to be Filled by Representatives of (Union Territories).

27 A. Constitution of electoral colleges for the filling of seats in the Council of States allotted to Union Territories.

- (1) For the purpose of filling any seat or seats in the Council of States allotted to any (Union Territory) * * * in the Fourth Schedule to the Constitution there shall be an electoral college for (each such territory) * * *
- (2) The electoral college for each (Union Territory) * * * specified in the first column of the Fifth Schedule consist of the number of members specified in the second column thereof, opposite to that (Union Territory) to be chosen by direct election.
- (3) The electoral college for the Union Territory of Delhi shall consist of—
 - (a) the Councillors of the Delhi Municipal Corporation; and
 - (b) ten persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board, to be chosen by direct election on the basis of adult suffrage in accordance with rules made by the Central Government in this behalf.
- (4) The electoral college for each of the Union Territories of Himachal Pradesh, Manipur and Tripura shall consist of the members of the Territorial Council constituted for that territory under the Territorial Councils Act, 1956 but shall not include any of the members nominated by the Central Government under sub-section (3) of Section 3 (of that Act).

- 27 B. (Electoral College Constituencies) Rep. by the Territorial Council Act, 1956 (103 of 1956) S. 65.
- 27 C. (Delimitation of Electoral College Constituencies) Rep. by S. 65, *ibid.*
- 27 D. (Power to alter or amend order) Rep. by S. 65, *ibid.*
- 27 E. (Procedure as to orders delimiting constituencies) Rep. by the Representation of the People (Amendment) Act, 1956 (2 of 1956), S. 21.
- 27 F. (Electoral rolls for Council of States Constituencies) Rep. by S. 22, *ibid.*
- 27 G. Termination of membership of electoral college for certain disqualifications

If a person who is a member of an electoral college becomes subject to any disqualification for membership of Parliament under the provision of any law relating to corrupt and illegal practices and other offences in connection with elections to Parliament, he shall thereupon cease to be such member of the electoral college.

27 H. Manner of filling of seats in the Council of States allotted to Union Territories.

The seat or seats in the Council of States allotted to any (Union Territory) in the Fourth Schedule to the Constitution shall be filled by a person or persons elected by the members of the electoral college for (that territory),* * * in accordance with the system of proportional representation by means of the single transferable vote :

(Provided that the person who immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, is filling the seat allotted to the Part C States of Manipur and Tripura shall, as from such commencement, be deemed to have been duly elected to fill the seat allotted to the Union Territory of Tripura).

27 I. (Special provisions for the filling of the Seats in the Council of States allotted to the States of Ajmer and Coorg and the States of Manipur and Tripura) Rep. by the Adaptation of Laws (No. 2) Order, 1956

27 J. Power of electoral colleges to elect notwithstanding vacancies therein.—No election by the members of an electoral college under this Act shall be called in question on the ground merely of the existence of any vacancy in the membership of such college.

27 K. (Electoral colleges for certain States for which Legislative Assemblies have been constituted). Rep. by the Adaptation of Laws (No. 2) Order, 1956).

Representation of the People Act, 1966.

RELEVANT EXTRACTS

PART II

Qualifications and Disqualifications

Chapter I—Qualifications for Membership of Parliament.

- (3) Qualifications for membership of the Council of States.—A person shall not be qualified to be chosen as a representative of any State or Union Territory in the Council of States unless he is an elector for a Parliamentary Constituency in that State or territory.

- (4) Qualifications for membership of the House of the People.—A person shall not be qualified to be chosen to fill a seat in the House of the People other than a seat allotted to the Andaman and Nicobar Islands, to the Laccadive, Minicoy and Amindivi Islands or to Dadra and Nagar Haveli or to the Part B tribal areas, unless—
- (a) in the case of a seat reserved for the Scheduled Castes, whether of that State or of any other State, and is an elector for any Parliamentary Constituency ;
 - (b) in the case of a seat reserved for Scheduled Tribes in any State (other than those in the autonomous districts of Assam), he is a member of any of the Scheduled Tribes, whether of that State or of any other State (excluding the tribal areas of Assam), and is an elector for any Parliamentary constituency ;
 - (c) in the case of a seat reserved for the Scheduled Tribes in the autonomous districts of Assam, he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary Constituency in which such seat is reserved or for any other Parliamentary Constituency comprising any such autonomous district,
 - (d) in the case of the seat reserved for the Scheduled Tribes in the Union Territory of the Laccadive, Minicoy and Amindivi Islands he is a member of any of those Scheduled Tribes and is an elector for the Parliamentary Constituency of that Union Territory.

Judiciary

Bryce said, "There is no better test of the excellence of a Government than the efficiency of its judicial system for nothing more nearly touches the welfare and security of the citizen, than his knowledge that he can rely on the certain, prompt and impartial administration of justice". In a Federation, an independent body like the Supreme Court to maintain the delicate equilibrium of powers of governance is necessary. The main purpose is to negative every attempt by either party to the Federation, to invade the domain assigned to the other. Howsoever careful we may be, yet some ambiguity, some overlapping remains, which becomes the cause of dispute between the Centre and the States in regard to interpretation about their respective jurisdiction. When the Constitution declares the Federal Rights of the citizens, remedies against the interference with their exercise and enjoyment must be provided through some superior authority.

The judiciary is an instrument in the search for justice, a means of protecting the people against the State power, or an instrument of state policy divorced from questions of right and justice. The judiciary tends to reflect conditions in society. The American Supreme Court would be out of place in the Soviet Union. The judicial system must be evaluated in terms of the ends it serves, the principles it applies, the quality of the justice it dispenses. The judicial system may play multipurpose role in society, the relationship between courts and society in the United States is unique, even among the democracies. In Britain, the doctrine of judicial review is unheard of. In France, the judiciary is considered as a special branch of the civil service. In Germany, though a federation, the law is

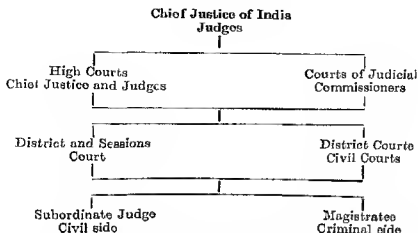
codified and the courts do not apply the common law. In the Soviet Union, both the courts and the law have quite different functions than the Americans are accustomed to have. The organisations, functions and operation of the judiciary vary greatly from one society to another, even among the democracies; and courts function quite differently in democracies and in authoritarian societies.

The Judiciary is organised differently from the Legislature and the Executive. Garner said, "The judicial power... is exercised neither by a single magistrate nor by an assembly, but by a series of magistrates or collegially constituted tribunals usually hierarchically organised one above another with a Supreme Court of review or cessation at the apex". In Federal States there are usually two separate and distinct series of judicial systems, national or general jurisdiction, the other local jurisdiction. In United States of America Federal and State judiciary are separate, Federal Courts administer and enforce Federal laws throughout the country. In India there is a single integrated judiciary for the whole Union and no separate courts are for the units.

On August 2, 1935, the British Government enacted that "there shall be a Federal Court for India consisting of a Chief Justice of India and such number of other judges as His Majesty may deem necessary". The Federal Court was inaugurated on October 1, 1937 with original jurisdiction in any dispute between any two or more of the Provinces or the Federated States and the Federation. The court was given two kinds of appellate jurisdiction, appeals from the decisions of the British Indian High Courts, and those from decisions of State High Courts. The appeals were of a restrictive character and confined only to five cases. The Constitution vested the power of reference in the Governor-General to the exclusion of the Council of Ministers and the Federal Legislature. All judgments of the Federal Court were declaratory, but all authorities, civil and judicial, in India were required to act in aid of the Federal Court. Appeals from the orders of the court rested with the Privy Council in any dispute which concerned the interpretation of the Constitution, and in any other matter by the leave of the Federal Court or of His Majesty in Council.

ORGANISATION OF THE JUDICIAL SYSTEM IN UNION TERRITORIES

SUPREME COURT



Note (a) There is a separate High Court in every State except that the States of Punjab and Haryana have a *common* High Court located at Chandigarh and the States of Assam and Nagaland have a common High Court located at Gauhati. Union Territories are generally linked up with neighbouring States for the purposes of jurisdiction of the High Court.

(b) In most States District Magistrates and Sub-Divisional Magistrates do not try criminal cases, and where there is separation of Judiciary from the Executive, the work is disposed of by separate Magistrates who are not under the District Magistrates. The separation of Executive and Judiciary has been effected in some Union Territories like Himachal Pradesh, Chandigarh etc.

The Supreme Court of India consists of a Chief Justice and eleven associate judges, though Parliament in 1960 increased the maximum number to thirteen. Judges of the Supreme Court are appointed by the President after consultation with such judges of the Supreme Court and of the High Courts in the States as he may think necessary. A judge of the Supreme Court must—(i) be a citizen of India ; (ii) have been for at least five years a Judge of a High Court or two or more such courts in succession or have been for at least ten years an Advocate of a High Court or of two or more such courts in succession ; (iii) be in the opinion of the President, a distinguished jurist. Every person appointed to be a judge of the Supreme Court must make and subscribe before the President, or a person nominated by him for the purpose, an oath or affirmation in the prescribed form given in the Third Schedule.

The Judge of the Supreme Court cannot plead or act in any court or before any authority within the territory of India.

The Chief Justice is paid Rs. 5,000 per month and other Judges Rs. 4,000 per month. Their privileges, allowances and other rights in respect of leave of absence and pension are fixed by Parliament by an Act and cannot be changed to their disadvantage after their appointment. Their salaries are charged on the Consolidated Fund of India and cannot be voted upon by Parliament, which may, however, discuss the salaries. No minimum age is prescribed for appointment as a judge of the Supreme Court, and a Judge can be removed from his office on the ground of proved misbehaviour or incapacity. The order for removal can be passed by the President but not before he presents his address to each House of Parliament, supported by a majority of the total membership of each House, and by a majority of not less than two-thirds of the members present and voting. The Constitution provides for the appointment of Acting Chief Justice and *ad hoc* Judges. With the previous consent of the President, the Chief Justice of India may request an ex-judge of the Supreme Court or of the Federal Court to sit and act as judge of the Supreme Court. Appointments of officers and servants of the Supreme Court are made by the Chief Justice. The conditions of service of officers and servants of the Supreme Court are prescribed by rules made by the Chief Justice but such rules require the approval of the President.

The Supreme Court has exclusive original jurisdiction in any dispute (a) between the Government of India and one or more States or (b) between the Government of India and any State or States on one side and one or more other States on the other or (c) between two or more States, if and in so far as the dispute involves any question, whether of law or of fact, on which the existence or extent of a legal right depends. It has no original jurisdiction over cases involving Ambassadors and Public Ministers or treaties unlike the American system. In the exercise of its original jurisdiction, the Supreme Court may issue directions or orders in the nature of Writs for the enforcement of Fundamental Rights. Disputes between citizens and a State do not come under its original jurisdiction as also Art. 131 excludes disputes arising from any treaty, *sanad* etc.

entered into or executed before the commencement of the Constitution and continuing in operation. Its jurisdiction is also subject to Art. 363 (1), which provides that the Court shall not have jurisdiction in disputes arising out of any treaty or *sanad* or agreement entered into by any ruler of an Indian State before the commencement of the Constitution, to which the Government of India, or its predecessor was a party. Complaints regarding interference with Inter-State water supplies are beyond its jurisdiction. Australian High Court can decide disputes (a) arising out of a treaty, (b) where, the Commonwealth is a party, (c) between States or residents of different States. Therefore, compared to the Hight Court of Australia or the Supreme Court of America, its powers are restricted in this field.

The Appellate jurisdiction covers three types of cases : (a) Constitutional, (b) Civil and (c) Criminal. Like American Supreme Court, it exercises the right of judicial review of legislation. This gives it a right to pass judgment on the constitutionality and validity of statutes passed by Parliament or State Legislatures including subordinate and ancillary legislation as well. An appeal lies to the Supreme Court from any judgment, decree or final order of a High Court, whether arising out of a Civil or Criminal proceeding, if the case involves a substantial question of law as to the interpretation of the Constitution. Leave for such appeals are ordinarily granted by the High Courts by certifying that such a constitutional question is involved. Even if the High Court refuses to certify, the Supreme Court can grant special leave to appeal, if it is satisfied that the case involves a substantial question of law as to the interpretation of the Constitution.

Appeals arising out of the civil proceedings lie to the Supreme Court from a High Court if the High Court certifies (i) that the amount or value of the subject-matter in dispute is not less than Rs. 20,000 or such other sum as may be specified by the Parliament or (ii) that the judgment, decree or final order involves directly or indirectly, some claim or question respecting property of the like amount or value or (iii) that the case is fit one for appeal to the Supreme Court. If, however, the judgment, decree or final order appealed from affirms the decision of the court immediately below in any case other than a case

referred to it in (v) the Court has to further certify that the appeal involves some substantial question of law. In criminal proceedings an appeal lies to the Supreme Court from a judgment, final order of sentence of a High Court in any one of the following cases only—(i) if the High Court sentences an accused person to death after reversing an order of acquittal of the lower court, (ii) if the High Court sentences an accused person to death after withdrawing the case from a subordinate court for trial before itself (iii) if the High Court certifies that the case is a fit one for appeal to the Supreme Court. Parliament may further confer further jurisdiction on the Supreme Court regarding criminal appeals subject to such conditions and limitations as may be determined by Parliament by law. The Supreme Court has also jurisdiction and powers with respect to any matter to which the provisions of Articles 133 to 134 do not apply, if jurisdiction and powers in relation to that matter were exercisable by the Federal Court before the commencement of the Constitution.

If the President is of the opinion that a question of law or of fact is of such public importance that it is expedient to obtain the opinion of the Supreme Court, he may refer the question to the Court for advice. It is still not clear to the critics whether the opinion has a binding effect on the President or not. It appears that the intention is to enable the President to take a decision in the light of the judicial opinion in matters in which he may feel doubtful. In England, the right to consult the judiciary both by the Executive and the Legislature is recognized in *principle* and has been effectively applied in practice. The Federal Courts in the United States under the leadership of the Supreme Court have refused to entertain advisory opinions. The legal advice of the Supreme Court in Canada is treated like ordinary decisions and appear in the case books and digests. Under the Australian Constitution there is no administrative consultation of the judiciary.

The Supreme Court also has revisory jurisdiction and may grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in India except by a court or tribunal constituted by or under any law relating to the Armed Forces. The Supreme Court has also been given

the power to review its own judgment or order for reasons which may have been put down in the rules and which in its opinion justify such a review. Parliament can by law confer further jurisdiction and powers upon the Supreme Court with respect to any of the matters in the Union List. Parliament can also vest Supreme Court with such supplementary powers not inconsistent with the Constitution as may be considered desirable for effective exercise of jurisdiction.

The Supreme Court exercises another function which is not vested in the Supreme Court in the United States nor in the highest courts set up in Australia, Canada or South Africa. The Supreme Court in India may be called upon to examine any variety of law if they infringe the fundamental rights of a citizen. The Swiss, French and Russian Constitutions explicitly withhold from the courts the power to interpret the Constitution. In England the courts cannot declare the law passed by the Parliament as *ultra vires* ; but in India the final interpretation to the supreme law of the land is given by the Supreme Court. The Supreme Court has all the powers of the Court of Record including the power to punish for contempt of itself. A Court of Record is a court "whose acts and proceedings are enrolled for a perpetual memory and testimony". These records are of such high authority that their truth cannot be questioned in any court. It also functions as an election tribunal to decide all doubts and disputes arising out of the election of the President or the Vice-President. It can also hold enquiry into the alleged misbehaviour of a member of a Public Service Commission, if asked by the President to do so.

The Supreme Court occupies an august place and plays a vital role in the constitutional system of India. The proceedings and acts of the court possess super-eminent authority and cannot be called in question in any court. Its judgments create precedents and lay down not only the law of the Constitution but general law too. It is the guardian of the Constitution and must maintain its sanctity. It is the repository of justice and human rights in various spheres. It has owned its responsibility as the guarantor of the Constitution, and rights of man and discharges with dignity its functions invoking the admiration of every wing of society. Even the highest courts in the Commonwealth Countries do not have to safeguard any

fundamental rights as none of such rights are in their Constitutions.

At the head of judicial organization in the State and in some of the Union Territories is the High Court whereas in Manipur, Tripura and Goa, Daman and Diu, it is the Court of the Judicial Commissioner. The High Court or the Court of Judicial Commissioner is a Court of Record and has all the powers of such a Court including the power to punish for contempt of itself. Every High Court consists of a Chief Justice and other judges who are appointed by the President after consultation with the Chief Justice of India.

A person to be appointed as a Judge of a High Court must be a citizen of India and, must have held a judicial office for at least ten years in the territory of India or has for at least ten years been an advocate of a High Court in any State or of two or more such courts in succession. A Judge of the High Court holds office upto sixty years of age and cannot be removed from his office except according to the same procedure as is necessary to remove a judge of the Supreme Court. The Chief Justice of a High Court is paid Rs 4000 per month and other judges Rs. 3500 per month. The President can, after consultation with the Chief Justice of India, transfer a Judge from one court to any other High Court. The Chief Justice of a High Court may at any time, with the previous consent of the President, request a retired judge of that court or of any other High Court to sit and act as a judge of a High Court. The salaries and allowances of the judge of a High Court are charged upon the Consolidated Fund of the State and are therefore non-votable.

The jurisdiction of the High Court is not directly defined in the Constitution, and every High Court and the law administered in it is the same as had been existing at the commencement of the Constitution. The High Courts of Bombay, Calcutta and Madras continue to have both original and appellate jurisdictions, while other High Courts have mostly appellate jurisdiction. Every High Court has the power to issue orders, directions or writs to any person or authority including any Government within its jurisdiction for the enforcement of fundamental rights and for any other purpose.

The High Court has the power to withdraw a case to itself from the court subordinate to it, if it involves a substantial question of law as to the interpretation of the Constitution. Thereafter it may either dispose of the case itself or it may determine the said question of law and return the case to the court from which it was withdrawn to be disposed of in conformity with its judgment.

Prior to 1956, the Parliament was empowered to extend the jurisdiction of a High Court to any area outside the State where the principal seat of the High Court was situated. Seventh Amendment of the constitution in 1956 restricted the power of

TABLE
Particulars of High Courts which also hear appeals from the
Courts of some Union Territories

<i>S. No.</i>	<i>Name of the High Court</i>	<i>Year of Establishment</i>	<i>Seat of the court</i>	<i>Extension of jurisdiction to the Union territories by</i>
1.	Calcutta	1861	Calcutta	Calcutta High Court, Extension of Jurisdiction Act, 1953.
2.	Bombay	1861	Bombay (Bench at Nagpur)	(a) Dadra and Nagar Haveli Act, 1961. (b) Goa, Daman and Diu (Administration) Act, 1962.
3.	Delhi	1966	Delhi	Delhi High Court Act, 1966.
4.	Madras	1861	Madras	Pondicherry Administration Act, 1962.
5.	Kerala	1956	Ernakulam (Bench at Trivandrum)	States Re-organisation Act, 1956.
6.	Punjab and Haryana	1967	Chandigarh	Punjab Re-organisation Act, 1966.

Parliament to extend jurisdiction only to the Union Territories. Now Parliament is competent to extend the jurisdiction of a High Court to, or exclude its jurisdiction from, a Union Territory only, and not with respect to any area included in

another State. Art. 231 empowers the Parliament to establish a common High Court for two or more States or for two or more States and a Union Territory. The High Court of a State has certain administrative and other powers of direction and superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. The only exception to such jurisdiction is, if there are courts and tribunals constituted by or under any law relating to the Armed Forces. In the exercise of these powers the High Court may, with the previous approval of the Governor, call for returns, issue rules regulating the practice and proceedings of such courts, prescribe forms in which books, entries and accounts shall be kept and settle table of fees.

The hierarchy of Subordinate Courts has not been changed by the Constitution. In every district, on the criminal side there is a great measure of uniformity because the Code of Criminal Procedure applies to all courts. At the head of a district on the criminal side is the Session's Court presided over by a Sessions Judge. Below the Sessions Courts there are Courts of Magistrates of the First, Second and Third Class. The jurisdiction of each class of Magistrate is limited to specified offences and is given below. (Section refers to the sections of Criminal Procedure Code, 1898) :—

1. Ordinary powers of a Magistrate of the Third Class

1. Powers to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, Sec. 64.
2. Powers to arrest, or direct the arrest in his presence of an offender, Sec. 65.
3. Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, Secs. 83, 84 and 86.
4. Powers to issue proclamation in cases judicially before him, Sec. 87.
5. Power to attach and sell property and to dispose of claims to attach property in cases judicially before him, Sec. 88.
6. Power to restore attached property, Sec. 89.

7. Power to require search to be made for letters and telegrams, Sec. 95.
8. Power to issue search warrants, Sec. 96.
9. Power to endorse a search warrant and order delivery of things found, Sec. 99.
10. Power to command unlawful assembly to disperse, Sec. 127.
11. Power to use civil force to disperse unlawful assembly, Sec. 128.
12. Power to require military force to be used to disperse unlawful assembly, Sec. 129.
13. Power to record statements or confessions during a police investigation, Sec. 164.
14. Power to authorise detention of a person during a police investigation, Sec. 167.
15. Power to detain an offender found in court, Sec. 351.
16. Power to take cognizance of offence, although committed by European British subject, and issue process returnable before a Magistrate having jurisdiction, Sec. 445.
17. Power to apply to District Magistrate to issue commission for examination of witnesses, Sec. 506 (a).
18. Power to recover forfeited bond for appearance before Magistrate's court, Sec. 514.
19. Power to make order as to disposal of property, Sec. 517.
20. Power to sell perishable property of a suspected character, Sec. 525.

II. Ordinary powers of a Magistrate of the Second Class

1. The ordinary powers of a Magistrate of the third class.
2. Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, Sec. 155.

3. Power to postpone issue of process, Sec. 202.
4. Power to order destruction of libellous and other matter, Sec. 521.

III. Ordinary powers of a Magistrate of the First Class.

1. The ordinary powers of a Magistrate of the second class.
2. Power to issue search warrant for discovery of persons wrongly confined, Sec. 100.
3. Power to issue search-warrant, Sec. 101.
4. Power to require security to keep the peace, Sec. 107.
5. Power to require security for good behaviour, Sec. 109.
6. Power to discharge sureties, Sec. 126.
7. Power to make orders, etc., in possession cases, Sec. 145, 146, 147.
8. Power to commit for trial, Sec. 206.
9. Power to stop proceedings when no complaint, Sec. 249.
10. Power to make orders for maintenance, Secs. 488, 489.
11. Power to take evidence on commission, Sec. 503.
12. Power to recover penalty on forfeited bond, Sec. 514.
13. Power to make order as to first offender, Sec. 562.

IV. Ordinary powers of a Sub-Divisional Magistrate

1. The ordinary powers of a Magistrate of the first class.
2. Power to direct warrants to land holders, Sec. 78.
3. Power to require security for good behaviour, Sec. 110.
4. Power to make orders as to local nuisance, Sec. 133.
5. Power to make orders prohibiting repetition of nuisances, Sec. 143.

6. Power to make orders under Sec. 144.
7. Power to depute Subordinate Magistrate to make local enquiry, Sec. 148.
8. Power to receive report of police officer and pass order, Sec. 153.
9. Power to order police investigation into cognizable case, Sec. 156.
10. Power to hold inquests, Sec. 174.
11. Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, Sec. 186.
12. Power to entertain complaints, Sec. 190.
13. Power to receive police reports, Sec. 190.
14. Power to entertain cases without complaint, Sec. 190.
15. Power to transfer cases to Subordinate Magistrate, Sec. 192.
16. Power to pass sentence on proceedings recorded by a Subordinate Magistrate, Sec. 439.
17. Power to forward record of inferior court to District Magistrate, Sec. 435(2).
18. Power to sell property alleged or suspected to have been stolen, etc., Sec. 524.
19. Power to withdraw cases other than appeals, and to try or refer them for trial, Sec. 528.
20. Power to order released convicts to notify residence, Sec. 565.

V. Ordinary Powers of a District Magistrate

1. The ordinary powers of a Sub-Divisional Magistrate.
2. Power to require delivery of letters, telegrams etc., Sec. 95.
3. Power to issue search warrant for documents in custody of postal or telegraph authorities, Sec. 96.
4. Power to require security for good behaviour in case of sedition, Sec. 108.

5. Power to discharge persons, bound to keep the peace or to be of good behaviour, Sec. 124.
6. Power to cancel bond for keeping the peace, Sec. 125.
7. Power to try summarily, Sec. 260.
8. Power to quash convictions in certain cases, Sec. 350.
9. Power to hear appeals from orders requiring security for good behaviour, Sec. 406.
10. Power to hear or refer appeals from convictions by Magistrates of second and third classes, Sec. 407.
11. Power to call for records, Sec. 435.
12. Power to order commitment, Sec. 437.
13. Power to report case to High Court, Sec. 438.
14. Power to order inquiry into complaint dismissed or case of accused discharged, Sec. 439.
15. Power to try European British subjects, Sec. 443.
16. Power to sentence European British subjects to more than three months' imprisonment or one thousand rupees fine, or both, Sec. 446.
17. Power to appoint person to be public prosecutor in particular case, Sec. 492 (2).
18. Power to issue commission for examination of witness, Secs. 503, 506.
19. Power to hear appeals from or revise orders passed under Secs. 514, 515.
20. Power to compel restoration of abducted female, Sec. 552.

**Powers with which a Magistrate of the First Class
may be invested.**

I. By the Local Government

1. Power to require security for good behaviour in case of sedition, Sec. 108.
2. Power to require security for good behaviour, Sec. 110.
3. Power to make orders as to local nuisance, Sec. 133.

4. Power to make orders prohibiting repetitions of nuisance, Sec. 143.
5. Power to make order under Sec. 144.
6. Power to hold inquests, Sec. 174.
7. Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, Sec. 186.
8. Power to take cognizance of offences upon complaint, Sec. 190.
9. Power to take cognizance of offences without complaint, Sec. 190.
10. Power to take cognizance of offences upon police report, Sec. 190.
11. Power to try summarily, Sec. 260.
12. Power to hear appeals from convictions by Magistrates of the second and third classes, Sec. 407.
13. Power to sell property alleged or suspected to have been stolen etc., Sec. 524.
14. Power to try cases under Sec. 124 A of the Indian Penal Code.

II. By the District Magistrate

1. Power to make orders prohibiting repetition of nuisances, Sec. 143.
2. Power to make orders under Sec. 144.
3. Power to hold inquests, Sec. 174.
4. Power to take cognizance of offences upon complaint, Sec. 190.
5. Power to take cognizance of offences upon police report, Sec. 190.
6. Power to transfer cases, Sec. 192.

Powers with which a Magistrate of the Second Class may be invested

I. By the Local Government

1. Power to pass sentences of whipping, Sec. 32.

2. Power to make orders prohibiting repetitions of nuisance, Sec. 143.
3. Power to make orders under Sec. 144.
4. Power to hold inquests, Sec. 174.
5. Power to take cognizance of offences upon complaint, Sec. 190.
6. Power to take cognizance of offences upon police reports, Sec. 190.
7. Power to take cognizance of offences without complaint, Sec. 190.
8. Power to commit for trial, Sec. 206.
9. Power to make order as to first offenders, Sec. 562.

II. By the District Magistrate.

1. Power to make orders prohibiting repetitions of nuisances, Sec. 143.
2. Power to make order under Sec. 144.
3. Power to hold inquests, Sec. 174.
4. Power to take cognizance of offences upon police reports, Sec. 190.
5. Power to take cognizance of offences upon complaint, Sec. 190.

Powers with which a Magistrate of the Third Class may be Invested

I. By the Local Government

1. Power to make orders prohibiting repetitions of nuisance, Sec. 143.
2. Power to take orders under Sec. 144.
3. Power to hold inquests, Sec. 174.
4. Power to take cognizance of offences upon police report, Sec. 190.
5. Power to take cognizance upon complaint, Sec. 190.
6. Power to commit for trial, Sec. 206.

II. By the District Magistrate

1. Power to make orders prohibiting repetition of nuisances, Sec. 143.
2. Power to make orders under Sec. 144.
3. Power to hold inquests, Sec. 174.
4. Power to take cognizance of offences upon complaint, Sec. 190.
5. Power to take cognizance of offences upon police reports, Sec. 190.

Powers with which a Sub-Divisional Magistrate might be invested

By the Local Government

1. Power to call for records, Sec. 435.

The Sessions' Judge and the District Magistrate both superintend the courts of Magistrates subordinate to them. Appeals from the Magistrates of Second and Third Class lie to the District Magistrate whereas appeals from the Magistrates of First Class, lie to the Session Judge. The appeals against the orders of the Sessions' Court lie to the High Court. In some of the States, Village Panchayats can also try some minor offences. On the civil side, the Court of the District Judge is the principal civil court in the district. It exercises both original and appellate jurisdiction in civil cases. It has also the power of superintendence over subordinate courts exercising civil jurisdiction in the district. In some of the Union Territories there are Munsiff's Courts presided over by a Munsiff exercising civil jurisdiction.

Appointment of persons as district judges and their postings etc. are made by the Governor of the State, in consultation with the High Court. A person who is not in the service of the Union or of the State cannot be appointed a district judge if he has not been an advocate or a pleader for at least seven years and recommended for such appointment by the High Court. Appointments of other persons in the judicial service of a State are made by the Governor of the State in accordance with rules made by him in that behalf and after

consulting the State Public Service Commission. The State Government, in consultation with the High Court, may also appoint Additional District Judges to exercise jurisdiction in one or more courts of the District Judges. Additional District Judges have jurisdiction to deal with and dispose of such cases only as the High Court, by general or special order, may direct them to deal with and dispose of or as the District Judge may order. All postings, promotions and grant of leave etc. belonging to the judicial service and for a post inferior to that of a District Judge are made by the High Court. The District Judge of the 1st Class has jurisdiction to hear suits without any limit as to their value. The High Court may by general or special order authorise any Subordinate Judge to take cognizance of, or any District Judge to transfer to a Subordinate Judge any proceedings specified in its order. The District Judge has control over all the civil courts within the local limits of his jurisdiction. In the case of Subordinate Judges of a lower class, however, jurisdiction depends, *inter alia*, on the value of the suit. An appeal from a decree or order of a District Judge exercising original jurisdiction lies to the High Court or the Court of Judicial Commissioner. An appeal normally lies to the High Court from every decree passed in appeal by any court subordinate to the High Court if (a) the decision being contrary to law or to some custom or usage having the force of law, (b) the decision having failed to determine some material issue of law or custom or usage having the force of law; (c) a substantial error or defect in the procedure provided by the Code of Civil Procedure 1908 or by any other law for the time being in force which may possibly have produced error or defect, in the decision of the case upon the merits.

Next to the District Court is the Court of a Civil Judge or a Senior Subordinate Judge. Appeals from the Subordinate Civil Courts lie, in the first instance, to the District Court if the amount involved does not exceed five thousand rupees, otherwise they lie to the High Court. In some areas Village Panchayats have been invested with powers to try minor civil cases involving movable property. The control over District Courts and Courts subordinate thereto has been vested in the High Court.

TABLE

Showing the Highest Courts in Union Territories and the Jurisdiction of High Courts under which they fall

S. No.	Name of the Union Territory	Highest Court in the Territory	Jurisdiction of High Court over the Territory
1.	Andaman & Nicobar Islands	Session's Court	Calcutta
2.	Chandigarh	do	Punjab & Haryana
3.	Dadra & Nagar Haveli	District Court	Bombay
4.	Delhi	Session's Court	Delhi
5.	Goa, Daman & Diu	Judicial Commissioner's Court	—
6.	Himachal Pradesh	Session's Court	Delhi
7.	Laccadives	Session's Court	Kerala
8.	Manipur	Judicial Commissioner's Court	—
9.	Pondicherry	Session's Court	Madras
10.	Tripura	Judicial Commissioner's Court	—

Justice is administered in the Laccadivi group of Islands by the Amins with the assistance of elders otherwise called *Karnavans* under the provisions of the Laccadivi Islands and Minicoy Regulations 1 of 1912. They exercise the powers similar to those of a III class Magistrate under the Criminal Procedure Code in criminal cases, and have unrestricted powers in the matters of civil cases. Appeals on their decisions lie to the Secretary to the Administrator in civil cases, and in criminal cases appeals lie only if special leave is granted.

The two Tehsildars, one for Minicoy and the other for Laccadivi group, supervise the work of the local officials (Amins) and have general control over the developmental and other activities in the Islands. In the Amindivi group, the Tehsildar administers both civil and criminal justice under the customary laws. He is a III Class Magistrate under Criminal Procedure

Code and a Civil Judge. Appeals on his decisions lie to the Secretary to the Administrator and second appeals to the Administrator. Pecuniary jurisdiction of the Subordinate Judges and Munsiffs is fixed by the Administrator. The Administrator and his Secretary are I Class Magistrates. The former is also District Magistrate for the Amindivi groups of Islands. Laccadivi Islands and Minicoy Islands Civil Courts Regulation 1955 apply to these Islands. There is no restriction on civil jurisdiction. There is a Subordinate Judge at Kavaratti, and four Munsiffs for the Islands. At present the functions of the Subordinate Judge are being discharged by the Development Officer of the Laccadivi Administration and the functions of the Munsiff are being looked after by the Tehsildar in these places. The Sessions Judge, Tellicherry has jurisdiction over the Amindivi group of Islands and the Kerala High Court over the entire territory.

The Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provision) Regulation 1963 made provisions for the constitution of civil courts in the Union Territory of Dadra and Nagar Haveli. There is a Court of District Judge, which is a principal civil court of original jurisdiction. At present the District Judge is a part-time officer. He has jurisdiction over civil cases irrespective of value. There is also a Civil Judge; and the Court of the Civil Judge is subordinate to the Court of the District Judge, and the latter is the principal civil court of original jurisdiction. The appeals to the decrees of District Judge lie to the High Court of Bombay. An appeal from a decree or order of the Court of the Civil Judge lies to the Court of the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order has been made, does not exceed ten thousand rupees and in other cases to the High Court of Bombay.

The High Court may, by general or special order, authorise the Court of the Civil Judge to take cognizance of any proceedings relating to (a) the Guardians and Wards Act 1890 or (b) The Provincial Insolvency Act, 1920 or (c) The Indian Succession Act, 1925. The High Court may also permit all courts in the territory to adjourn from time to time for periods not exceeding in the whole six weeks in each year. The ministerial officers of the Courts of the District Judge and the

Civil Judge are appointed by the District Judge.

The Court of Judicial Commissioner has been abolished from Himachal Pradesh with effect from 1st May, 1967, and the jurisdiction of the Delhi High Court has been extended with effect from May 1, 1967. The High Court of Delhi started functioning from October 31, 1966. The areas which have been transferred to Himachal Pradesh from Punjab recently are governed by the Punjab Court Acts. In the Districts of Lahaul and Spiti, Executive Officers act as Civil Courts set up under the Himachal Courts Order, 1948. There is a District and Sessions Court in each district of Himachal Pradesh and in some districts, there are Courts of Senior Sub-Judges and Sub-Judges.

As a result of the creation of Kinnaur District as a separate district with effect from May 1, 1960, the Senior Subordinate Judge, Mahasu District was invested with the powers of Senior Sub-Judge for Kinnaur District. For speedy disposal of the civil cases of petty nature, the Deputy Commissioner of the new district and the M.I.C. Kalpa were invested with the civil powers to decide cases upto Rs. 5,000 and Rs. 2,000 respectively. In 1965, it was decided to separate Judiciary from the Executive in two districts, *i.e.*, Mahasu and Sirmur, by an executive order, but later it was decided to separate the Judiciary from Executive throughout the Pradesh.

Regulation No. XI of 1940 [as amended by the Andaman and Nicobar Islands Civil Courts (Amendment) Regulation 1967] provided for the administration of civil justice in the Andaman Islands. The Chief Commissioner is empowered to establish Civil Courts within the Islands and may define their jurisdiction both original and appellate, and the local limits thereof. He may also appoint officers to administer civil justice within the Islands, regulate the procedure of the Civil Courts and of the Officers respectively. Under Andaman Courts Regulations a post of District Judge and Additional Sessions Judge was created, but the Subordinate Judges and Civil Judges are yet to be appointed.

The Island Councils concern themselves only with lesser crimes. Heinous offences are brought direct to the Additional District Magistrate at Car Nicobar or Assistant Magistrate, Nancourie. If the non-Nicobarese is involved in a criminal

case, the matter is reported to the Additional Deputy Commissioner-cum-Additional District Magistrate. In administrative matters as well, the Island Council conveys its feelings and wishes to the Additional Deputy Commissioner which are normally accepted. If the Additional Deputy Commissioner turns any suggestion down, he explains the reasons to Chief Headman and other members. The High Court of Calcutta has jurisdiction over the Islands.

Punjab-Haryana High Court has jurisdiction over Chandigarh and the territory has strict separation of Judiciary and Executive. There is one District and Sessions Judge, one Senior Sub-judge-cum-Judicial Magistrate and two Sub-Judges-cum-Magistrates. They dispense justice on the judicial side. The Deputy Commissioner of the Union Territory is the District Magistrate and on the executive side he is assisted by three Executive Magistrates. They are primarily responsible for law and order and other executive duties. The appeals from the Sessions Court go to the High Court and because all the courts are located at the same place therefore there is not much of inconvenience. Chandigarh is also the headquarters of the Punjab and Haryana Bar Association so it is easy to get expert legal advice.

In Delhi, there is also separation of powers. The High Court of Delhi started functioning from October 31, 1966 and now its jurisdiction has been extended to Himachal Pradesh also. The High Court of Delhi has in respect of the Territories for the time being included in the Union Territory of Delhi, all such original, appellate and other jurisdiction as was exercised previously by Punjab High Court. Punjab Courts Act, 1918 with all the latest amendments also applies to this Union Territory. Now there are separate Sessions Courts and the Criminal Courts. Delhi is the only Union Territory which has a High Court of its own and other Union Territories are attached with one or the other neighbouring States for the purposes of the jurisdictions of High Courts.

Section 32 of the Manipur State Courts Act, 1947 stated that the administration of justice in the Hill Tracts shall be governed by the Manipur State Hill People's (Administrative) Regulations, 1947. According to the Regulations, Chief Court, Hill Bench, Circle Bench, Village Authorities (in order of

gradation) administer justice. Manipur State Courts (Amendment) Order, 1950 converted the Chief Court into a Judicial Commissioner's Court. After the passing of the Manipur Courts Act, 1955 by the Parliament, besides the Court of the Judicial Commissioner, the District Court, the Court of Subordinate Judge and the Court of the Munsiff were also established. The Chief Commissioner after consultation with the Judicial Commissioner got the power to invest any officer in the hill areas with the powers of any civil court under this Act. The Code of Civil Procedure, 1908, was made applicable to all suits and proceedings before the court. The court also administers criminal justice.

The Court of a Village Authority was competent to try cases relating to (a) theft including from a building, (b) mischief, not being mischief by fire or explosive substances (c) simple hurt, (d) cattle theft or illegal slaughter of cattle, (e) assault or use of criminal force. It was competent to impose fine not exceeding Rs. 200 and could also award payment in restitution or compensation to the extent of injury sustained. The Manipur (Village Authorities in Hill Areas) Act, 1956 was made applicable to the territory on April 18, 1956. The Act provided a Village Authority for every village having twenty or more tax-paying houses. Sec. 16 of the Act prescribes the following functions to the Village Authority :—

- (a) It shall, to the best of its ability, maintain law and order and for that purpose exercise and perform the powers and duties generally conferred and imposed on the police by or under the Police Act, 1861 ; provided that Village Authority shall not be deemed to be a police officer within the meaning of sections 25 and 26 of the Indian Evidence Act, 1872 or Section 162 of the Code of Criminal Procedure, 1898.
- (b) It shall cause to be arrested without any order from a magistrate and without a warrant some category of persons.
- (c) It shall give immediate information to the Sub-Divisional Magistrate of every unnatural, suspicious or sudden death which may occur, and of any heinous offence which may be committed, within the local limits of its jurisdiction and shall keep the

Sub-Divisional Magistrate informed of all disputes which are likely to lead to a riot or serious affray; and

- (d) It shall supply any information which any police officer or the Sub-Divisional Magistrate or the Deputy Commissioner may require from it.

The Court of Judicial Commissioner is the highest court of Manipur. It exercises the same powers and has the same civil and criminal jurisdiction as a High Court. Appeals from the decrees and orders of this court lie only to the Supreme Court. Instead of establishing a High Court in any territory, Government gives additional powers to the Court of Judicial Commissioner. Judicial Commissioner sits at Agartala for doing judicial work for a period ranging from 10 to 15 days in a month and during the remaining period of the month he holds his court at Imphal.

District and Sessions Court :—The Civil and Sessions Courts consist of 8, viz., (1) one District and Sessions Judge's Court, (2) two Subordinate Judge's Courts and (3) five courts of Munsiffs/Magistrates. Four of the Courts of Munsiffs were established in July, 1965. The Munsiff also enjoys the powers of a Magistrate of the First Class. The Sub-Divisional Officers of Churachandpur, Ukhrul and Tamenglong have been vested with powers of a Munsiff to try civil suits upto the value of Rs. 2000 and the Sub-Divisional Officer Mao and Jiribam with powers upto Rs. 1000. The Assistant Deputy Collectors in the hills have been vested with powers of Munsiffs upto the value of Rs. 500.

The Court of District Judge is the principal court of original jurisdiction for the entire civil district of Manipur. First appeals against the judgments and decrees of the Sub-Judges in suits where the value does not exceed Rs. 5,000 and against all decrees and appealable orders of the Munsiff, lie to this court. This court has also revisional jurisdiction against the orders of the Village Authorities under the Manipur (Village Authorities in Hill Areas) Act, 1965. This court has also been constituted as Motor Accident claims tribunal for Manipur. The District Judge is also the Session Judge for the entire Sessions Division of Manipur besides being the Special Judge under the Prevention of Corruption Act, 1947.

The Criminal Courts in Manipur at present consist of 34 Magistrates including the District Magistrate and the Additional District Magistrate.

In Tripura, the Court of the Judicial Commissioner is the highest judicial authority in the territory. This court has been created under Tripura Courts Order, 1950. Appeals from this court lie to the Supreme Court. There are one District and Sessions Judge, one Subordinate and Assistant Session Judge and one Additional Sub-Judge and nine Munsiffs (including one Registrar for the Judicial Commissioner's Court) having a separate court for each. Four Munsiffs have also been invested with the powers of 1st Class Magistrates to enable them to dispose of criminal cases. The jurisdiction in original suits of the Munsiffs as regards the value is to be decided by the Chief Commissioner after consulting the Judicial Commissioner. The Judicial Commissioner of Tripura is also the judicial Commissioner for Manipur. He holds court in Tripura for about two weeks in a month.

There are 10 civil courts in Tripura sub-ordinate to the Court of Judicial Commissioner of which one is the District Judge Court, one is the Subordinate Judge's Court and the remaining eight courts of Munsiffs. The District Judge also functions as Session Judge, Special Judge under Prevention of Corruption Act, Presiding Officer of Labour Court, Commissioner for Workman's Compensation and Land Acquisition Judge. The Subordinate Judge is also vested with the powers of an Assistant Sessions Judge. The Court of the District Judge has original jurisdiction in civil suits without limit as regards the value.

The Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1903, provided for the Court of the Judicial Commissioner for Goa, Daman and Diu which consists of the Judicial Commissioner and other Additional Judicial Commissioners. The Judicial Commissioners are appointed by the President and must possess the qualifications necessary for a person to be the Judge of a High Court under Clause (2) of Article 217 of the Constitution or of the Judge of the Tribunal de Relacao. The Court of the Judicial Commissioner is the highest civil and criminal court of appeal and revision in the territory and has all such jurisdiction as under the law in force

immediately before the commencement of Regulations of 1963 in respect of the territory by the Tribunal de Relacao. The appeals from the judgment, decrees and orders of Subordinate Courts lie to the Court of the Judicial Commissioner. The Court of the Judicial Commissioner can call for the record of any case which has been decided by a Subordinate Court. The Court of the Judicial Commissioner is a Court of Record and sits at Panjim. The Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration Act) Act, 1965 provided for the extension of the Code of Civil Procedure, 1908 and the Arbitration Act, 1960 to the territory. The Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964 declared the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for the purposes of Articles 132, 133 and 134.

Lieutenant-Governor, after consultation with the Judicial Commissioner, appoints a Registrar and other Ministerial Officers as may be necessary for the administration of justice. The Judicial Commissioner can delegate to the Registrar the powers and the duties of a judicial, quasi-judicial or non-judicial nature. All courts including the Court of Comarca and Julgado, which were functioning before the 1963 Regulations, are subordinate to the Court of the Judicial Commissioner. The Courts of Comarca are the Principal Civil Courts of original jurisdiction. The Tribunal de Relacao functioning in Goa, Daman and Diu was abolished with effect from December 11, 1963. At present there are seven Civil Judges and junior Civil Judges appointed under Goa, Daman and Diu Civil Courts Act, 1965 discharging the functions of the Civil Judges.

The Indian Penal Code and the Criminal Procedure Code were extended to Pondicherry with effect from October 1, 1963. Consequently the entire territory was constituted into one Sessions Division and the Presiding Judge of the Superior Court of Appeal was concurrently appointed as Principal Sessions Judge. At present courts constituted under the French Civil Law function. In France, the organisation of the courts under *Civil Law* is very simple. At the bottom is (Judge de paix) justice of the peace, who is a salaried official with some judicial experience, though not ordinarily a law degree. They have a limited and summary trial over minor offences. Next

above the Justice's Courts stand the Courts of First Instance, each consisting of three to fifteen Judges. In civil matters they have original and appellate jurisdiction, and on criminal side cases of misdemeanour like theft and embezzlement. Courts of Appeal, the next higher stage, operate in two or more sections. The grave criminal cases are tried by Special Courts of Assizes, on appeal or in first instance. The highest court in France is the Court of Cessation where the cases from the lower courts are brought for final interpretation. The court has three chambers ; preliminary, civil and criminal.

Distinction is made in France between the ordinary and administrative law so there are two separate systems of courts, ordinary tribunals and administrative tribunals. State officials and civil servants are answerable to their actions and consequently can be sued in the administrative courts. Professor Garner in his famous article "French Administrative Law" praised the system as, "without fear of contradiction in no other country of the world are the rights of individuals so well protected against administrative abuses, and the people so sure of receiving reparation for injuries sustained from such abuses." The Administrative Law has not been codified like the Civil Law and consists of the rules issued by the executive decrees. The principal administrative courts in France are the Regional Councils and the Council of the State. The Administrative Courts consist of experts on the administrative side who know the problems of the public officials. Such courts do not invade the liberty of the individual but all Frenchmen look to the Council of the State "with high approval as their Argus-eyed defender against official arbitrariness and oppression". From 6th November, 1962, the jurisdiction of Madras High Court was extended to Pondicherry and all such jurisdiction as was exercised by the former French Establishments by the Cour De Cessation, the Cour Supérieur D'Arbitrage and the Conseil d'Etat of France was given to it. Section 12 of the Pondicherry (Administration) Act, 1962 defines the power of the Madras High Court as

The High Court may, from time to time, make rules consistent with this Act, to provide for all or any of the following matters ; namely :—

(a) the translation of any papers filed in the High Court

and the preparation of paper books for hearing all appeals and the copying, typing or printing of any such papers or translation and the recovery from the persons at whose instance or on whose behalf papers are filed of the expenses thereby incurred ;

(b) the court-fees payable for instituting proceedings in the High Court, the fees to be charged for processes issued by the High Court or by any officer of the court and the amount payable in any proceeding in the High Court in respect of fees of the Advocate of any part to such proceeding ;

(c) the procedure to be followed in the High Court ;

(d) the approval, admission, enrolment, removal and suspension of advocates from Pondicherry.

Pondicherry Civil Courts Act, 1966, has been drafted and will be introduced in the next session of the Parliament.

Article 50 states that the State shall take steps to separate Judiciary from the Executive in the public services of the State. The progress in this direction has not been satisfactory due to additional financial burden it involves, and partly due to complacency on the part of the Central Government. The system defines separate powers, Executive Magistrates invested with the powers and functions relating to maintenance of law and order and investigation of offences, and Judicial Magistrates who are to exercise power, relating to inquiry into and trial of offences. The Executive Magistrates are subordinate to District Magistrate while the Judicial Magistrates are exclusively subordinate to the Sessions Judge. In Union Territories, as a general principle there is no separation of powers but in Himachal Pradesh, Chandigarh and Delhi Administration, etc., separation of powers has been affected.

The judiciary must be free from encroachment and the freedom of the judgment and decrees from Executive and Legislative interference must be guaranteed. Justice should be swift and sure and judicial process simple, direct and inexpensive. All efforts must be made to prevent prolonged and vexatious litigation. Law Commission has made certain suggestions for improving the judicial system but they do not touch even a fringe of the problem. Thousands of poor people are rotting in jails today and thousands are going to the gallows — all because

in a poor country like India justice is very costly and "*Delhi is distant*". A Judge of the Allahabad High Court said, "Justice is like Ashoka Hotel—available if one can afford it". In Union Territories, most of the population is god-fearing and simple and efforts must be made to make the law not a gamble and a cross-word puzzle. O Lord! How many innocent citizens like Champakams and Dwarkadases can afford to knock the portals of justice to vindicate their simple and ordinary rights.

NOTES

I

THE GOA, DAMAN AND DIU (JUDICIAL COMMISSIONER'S COURT) REGULATION, 1963

COURT OF THE JUDICIAL COMMISSIONER

Some Extracts

3. On and from the commencement of this Regulation, there shall be established for Goa, Daman and Diu a Court to be known as the Court of the Judicial Commissioner for Goa, Daman and Diu which shall consist of the Judicial Commissioners, and such number of Additional Judicial Commissioners, if any, as may be determined by the Central Government from time to time.

4. (1) The Judicial Commissioner and any Additional Judicial Commissioner shall be appointed by the President and shall hold office during the pleasure of the President.

(2) A person shall not be qualified for appointment as the Judicial Commissioner or an Additional Judicial Commissioner unless he is qualified for appointment as a Judge of a High Court under clause (2) of article 217 of the Constitution or unless he is, or has been, or has the qualifications for appointment as, a Judge of the Tribunal de Relacao functioning in Goa, Daman and Diu immediately before the commencement of this Regulation.

5. On the occurrence of a vacancy in the office of the Judicial Commissioner, the Additional Judicial Commissioner, or where there are more Additional Judicial Commissioners than one, the senior-most among them shall, pending the appointment of the Judicial Commissioner, act as the Judicial Commissioner.

6. (1) The Judicial Commissioner shall have rank and precedence before any Additional Judicial Commissioner and shall be responsible for the administration of, and generally for the distribution of business of, the Court of the Judicial Commissioner.

(2) The rank and precedence of the Additional Judicial Commissioners shall be according to their date of appointment.

7. (1) Subject to such rules as the Judicial Commissioner may make as regards the transaction of the business of the Court, when the Court of the Judicial Commissioner consists of the Judicial Commissioner and one or more Additional Judicial Commissioners, the jurisdiction of the Court of the Judicial Commissioner shall be exercised by a Bench consisting of the Judicial Commissioner and such Additional Judicial Commissioner or, as the case may be, such Additional Judicial Commissioners.

(2) Where there is a difference of opinion among the members of the Bench on any matter coming up before it for determination, the opinion of the

majority shall prevail and the orders of the Court of the Judicial Commissioner shall be in terms of the views of the majority :

Provided that where there is no such majority which concurs in a judgment varying or reversing the decree, order or sentence of the subordinate court, such decree, order or sentence shall be confirmed.

8 (1) The Court of the Judicial Commissioner shall be the highest civil and criminal court of appeal and revision in Goa, Daman and Diu and shall have all such jurisdiction as under the law in force immediately before the commencement of this Regulation was exercisable in respect of that territory by the Tribunal de Relacao.

(2) Without prejudice to the generality of the provisions of sub-section (1),—

- (a) appeals from the judgments, decrees, orders and sentences of Subordinate Courts in Goa, Daman and Diu shall be, subject to the provisions of any law for the time being in force, to the Court of the Judicial Commissioner ;
- (b) the Court of the Judicial Commissioner may call for the record of any case which has been decided by a Subordinate Court and in which no appeal lies to it, and—
- (i) if such Subordinate Court appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity, or
- (ii) if on an application made to it the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom involved and such question requires further consideration, the Court of the Judicial Commissioner may make such order in the case as it thinks fit :

Provided that no application under sub-clause (i) of this clause shall be admitted after the expiration of ninety days from the date of the order in respect of which the application is made unless the applicant satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making the application within that period.

11. (1) The general superintendence and control over all courts and tribunals in Goa, Daman and Diu shall vest in, and all such courts and tribunals shall be subordinate to, the Court of the Judicial Commissioner.

(2) In exercise of the powers of superintendence and control vested in it, but without prejudice to the generality of such powers the Court of the Judicial Commissioner may do any of the following, that is to say—

- (a) call for returns ;
- (b) direct the transfer of any suit or appeal from any Subordinate Court to any other court of equal or superior jurisdiction ;
- (c) make rules and issue general directions and prescribed forms for regulating the practice and procedure of Subordinate Courts ;
- (d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such court.

14. All courts including the Courts of Comares and Julgado functioning immediately before the commencement of this Regulation shall be courts subordinate to the Court of the Judicial Commissioner and shall, subject to the provisions of this Regulation, continue to exercise the same jurisdiction and powers as they were exercising immediately before such commencement, and

II

REGULATION NO. XI OF 1940

(Made by the Governor-General on the 18th August, 1940, and promulgated on 31st August, 1940).

A Regulation to provide for the Administration of Civil Justice in the Andaman Islands.

WHEREAS it is expedient to provide for the administration of civil justice in the Andaman Islands;

It is hereby enacted as follows :—

1. Short title, extent and commencement. (1) This Regulation may be called the Andaman and Nicobar Islands Civil Courts Regulation, 1940.

(2) It extends to the State of the Andaman and Nicobar Islands.

(3) It shall come into force at once.

2. Establishment of Civil Courts. The Chief Commissioner may establish civil courts within the Andaman Islands, and may define their jurisdiction both original and appellate, and the local limits thereof, and their subordination one to the other for appellate or administrative purposes.

3. Appointment of officers :—The Chief Commissioner may appoint officers to administer civil justice within the Andaman Islands, and may appoint or authorise a court to appoint such ministerial officers as may be necessary.

4. Procedure of Courts and Officers. The Commissioner may regulate the procedure of the civil courts and of the officers respectively established and appointed under this Regulation to administer civil justice, in any respect in which provision is not made by the Code of Civil Procedure, 1908 (V of 1908).

5. Continuance of existing Courts and rules of procedure. All Courts established in the Andaman Islands at the commencement of this regulation shall be deemed to have been established under this Regulation, and all rules heretofore laid down by any authority for the guidance of Civil Courts and officers engaged in administering civil justice in the Andaman Islands which are in force at the commencement of this Regulation, shall continue to be in force, unless and until the Chief Commissioner otherwise directs.

III

**THE ANDAMAN AND NICOBAR ISLANDS CIVIL COURTS
(AMENDMENT) REGULATION, 1967**

No. 2 of 1967.

Promulgated by the President in the Eighteenth Year of the
Republic of India.

A Regulation to further amend the Andaman and Nicobar Islands
Civil Courts Regulation, 1940.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

1 (1) This Regulation may be called the Andaman and Nicobar Islands Civil Courts (Amendment) Regulation, 1967.

(2) It shall come into force at once.

2. In the Andaman and Nicobar Islands Civil Courts Regulation, 1940 (hereinafter referred to as the principal Regulation), in the long title and the preamble for the words "Andaman Islands" the words "Andaman and Nicobar Islands" shall be substituted.

3. In Sections 2 and 3 of the principal Regulation, for the words "Andaman Islands", the words "Andaman and Nicobar Islands" shall be substituted.

IV

THE MANIPUR (COURTS) ACT, 1955

Some Extracts

An Act to provide for the establishment of a Judicial Commissioner's Court and other courts in Manipur.

Section 3 : There shall be established for the State of Manipur a court to be known as the Court of the Judicial Commissioner for Manipur which shall consist of the Judicial Commissioner and the Additional Judicial Commissioner, if any.

Section 16 : In addition to the Court of the Judicial Commissioner and the courts of small causes established under the Provincial Small Causes Courts Act, 1887, and the Courts established under any other law for the time being in force, there shall be the following classes of civil courts in the State of Manipur, namely :—

- (i) the District Court.
- (ii) the Court of a Subordinate Judge.
- (iii) the Court of a Munsiff.

Provided that the Court of a Subordinate Judge shall be established only with effect from such date as the Chief Commissioner, may by notification in the official Gazette, specify.

Section 20 : The District Court shall be the principal civil court of original jurisdiction in the district.

Section 24 : The Judicial Commissioner, may, by notification in the official Gazette, confer within such local limits as he thinks fit, upon any District Judge, Subordinate Judge or Munsiff, the jurisdiction of a judge of the court of small causes under the Provincial Small Cause Court Act, 1887 for the trial of suit of the nature cognizable by such courts upto such value not exceeding five hundred rupees, as he thinks fit and may withdraw any jurisdiction so conferred.

Section 27 : Subject to the general superintendence and control of the Court of the Judicial Commissioner, the District Judge shall have administrative control over all the Civil Courts under this chapter within the local limits of his jurisdiction.

Section 40 : The Court of the Judicial Commissioner may make rules consistent with this Act and any other law for the time being in force, providing for all or any of the following matters, namely :—

(a) the supervision of all courts subordinate to the Court of the Judicial Commissioner and their inspection.

(b) the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or on whose behalf papers are filed, all the expenses thereby incurred ;

(c) the fees to be charged for processes issued by a civil court or by any officer of any such court and the fee payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding ;

(d) the manner in which the proceedings of civil courts shall be kept and recorded, and the manner in which paper-books for the hearing shall be prepared and the granting of copies ;

(e) the various matters relating to the officers of the court ;

(f) the persons to be permitted to act as petition-writers in the court subordinate thereto or act as pleader's clerks;

(g) the issue of licences to persons referred to in clause (f), the conduct of business by them and the scale of fees to be charged by them;

(h) the authority by which breaches of such rules shall be investigated and the penalty which may be imposed.

Section 46 : The Court of the Judicial Commissioner established under Section 3 is hereby declared to be a High Court for the purposes of Articles 132, 133 and 134 of the Constitution; and the provisions of the Judicial Commissioner's Courts (Declaration as High Courts) Act 1950, shall apply to that court as they apply to a Judicial Commissioner's Court in existence at the commencement of this Act.

V

THE DADRA AND NAGAR HAVELI (CIVIL COURTS AND MISCELLANEOUS PROVISIONS) REGULATION, 1963.

Some Extracts

Section 2. (1) On and from the commencement of this Regulation, in addition to the courts established under any other law for the time being in force, there shall be in the Union Territory of Dadra and Nagar Haveli (which shall be a district for the purpose of this Regulation)—

(a) a Court of District Judge : and

(b) a Court of the Civil Judge.

(2) The District Judge and Civil Judge shall be appointed by the Central Government after consultation with the High Court at Bombay (hereinafter referred to as the High Court).

5. (1) The Court of the District Judge shall be the principal civil court of original jurisdiction in the district within the meaning of the Code of Civil Procedure, 1908,

(2) The jurisdiction of the Court of the District Judge and the Court of the Civil Judge shall extend to all original suits and proceedings of a civil nature.

(3) The Court of the Civil Judge shall be subordinate to the Court of the District Judge and subject to the general superintendence and control of the High Court, the Court of the District Judge shall have general control over the Court of the Civil Judge and its establishment, and the District Judge may give such directions with respect to matters not provided for by law as he may think necessary.

6. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of the Court of the District Judge shall lie to the High Court.

(2) An appeal from a decree or order of the Court of the Civil Judge shall lie—

(a) to the Court of the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order has been made, does not exceed ten thousand rupees ; and

(b) to the High Court in any other case.

7. The Central Government may, by notification in the official Gazette, confer within such local limits as it thinks fit, on the Court of the Civil Judge the jurisdiction of a Judge of the Court of Small Causes under the Provincial Small Cause Courts Act, 1887, the trial of small cause suits up to such value not exceeding fifteen hundred rupees as the Central Government thinks fit and may withdraw any jurisdiction so conferred.

8. (1) The High Court may, by general or special order, authorise the Civil Judge to take cognizance of and the Court of the District Judge to transfer to the Court of the Civil Judge, any proceeding or any class of proceedings specified in such order, under—

- (a) the Guardians and Wards Act, 1890, or
- (b) the Provincial Insolvency Act, 1920, or
- (c) the Indian Succession Act, 1925.

(2) The District Judge may withdraw any such proceeding taken cognizance of by, or transferred to, the Court of the Civil Judge and may dispose of it himself.

(3) Proceedings taken cognizance of by, or transferred to, the Court of the Civil Judge shall be disposed of by it subject to the rules applicable to like proceedings in the Court of the District Judge.

9. In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the station in which his court is held, the Civil Judge shall, without interruption of his ordinary duties, assume charge of the District Judge's office and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of process and the like, and shall continue to be in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

VI

THE MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) ACT, 1956.

Some Extracts

Section 3. (1) For every village, having twenty or more tax-paying houses there shall be a Village Authority consisting of

- (a) five members, where the number of tax-paying houses in the village is not less than twenty but is not more than sixty;
- (b) seven members where the number of tax-paying houses in the village is more than sixty but is not more than one hundred;
- (c) ten members, where the number of tax-paying houses in the village is more than one hundred but is not more than one hundred and fifty.

(2) The Chief Commissioner may having regard to the general interests of the people of any village as also to the demand, if any, from the people of that village for an elected Village Authority declare, by notification in the official Gazette, that the Village shall have an elected Village Authority, and thereupon the members of the Village Authority of that Village shall be elected in accordance with the provisions of this Act and the rules made thereunder.

(3) Where no declaration under Sub-Section (2) has been made in relation to any village the members of the Village Authority of that village shall be nominated by the Chief Commissioner.

(4) Where there is a Chief or Khulka in a village, he shall be the ex-officio chairman of the Village Authority of that village; and where there is no such Chief or Khulka in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves.

Section 6: The term of office of members of a Village Authority shall be three years from the date appointed for its first meeting.

Section 29: (1) A Village Court shall record its decision in writing and may sentence an offender by it to pay a fine not exceeding two hundred rupees or in default to imprisonment for a term not exceeding one month.

(2) When a Village Court imposes a fine under sub-section (1), it may, when passing the order, direct that whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

(3) When a person has been sentenced to imprisonment under sub-section (1) in default of payment of fine, if such fine be not paid within ten days of the passing of the sentence or within such further time, if any, as the Village Court may allow, the court may cause him to be arrested and may commit him to the nearest jail to serve his sentence.

Provided that notwithstanding anything contained in the Indian Penal Code

(a) the fine imposed by a Village Court shall not be realised from any person who has served his term of imprisonment under this section.

(b) the person serving term of imprisonment shall be forthwith released if the fine is paid before the expiry of the term of imprisonment;

Provided further that no man shall be sentenced to imprisonment in default of payment of fine.

The Schedule (Under Section 20).

Offences Triable by a Village Court

1. Offences under Sections 24, 26 and 27 of the Cattle Trespass Act, 1871.

2. Offences under enactments (other than the Indian Penal Code and this Act) or any rules and by-laws made thereunder which are punishable with fine upto a limit of two hundred rupees.

3. Offences under section 34 of the Police Act, 1961.

4. Offences under the following Sections of the Indian Penal Code, namely :—Sections 160, 178, 179, 269, 277, 289, 290, 294, 313, 311, 352, 358, 426, 447, 448, 504, 510, and when the value of the property in the opinion of the Village Court is not over two hundred rupees, Sections 379 and 411.

VII

The Delhi High Court Act, 1966

Some Extracts

An Act to provide for the constitution of a High Court for the Union Territory of Delhi, for the extension of the jurisdiction of that High Court to the Union Territory of Himachal Pradesh and for matters connected therewith.

Section 4 : Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the High Court of Delhi—

(i) The provisions of Chapter V of Part VI of the Constitution shall, in their application to the High Court of Delhi, have effect subject to the following exceptions and modifications, namely :—

(a) In Article 217, the words “the Governor of the State” shall be omitted, and in relation to appointments to be made under sub-section (2) that Article shall be construed as if the words, “an, in the case of appointment of a Judge of the High Court” had also been omitted.

(b) In Article 219, the reference to the Governor of the State and in the proviso to Clause (3) of Article 227, the reference to the Governor shall be construed as a reference to the Administrator of the Union Territory of Delhi.

(c) The provisions of Article 225 shall not apply.

(d) In Article 229—

(i) the references to the Governor of the State shall be construed as

references to the Administrator of the Union Territory, Delhi;

- (ii) the references to the State Public Service Commission, the legislature of the State and the Consolidated Fund of the State shall be construed respectively, as references to the Union Public Service Commission, Parliament and the Consolidated Fund of India,
- (c) The provisions of Article 230 shall apply subject to the modifications that (i) in clause (1) thereof, the following clause shall be substituted, namely —

“(2) where the High Court for a Union Territory exercises jurisdiction in relation to another Union Territory, the reference in article 227 to the Administrator of the Union Territory of Delhi shall, in relation to any rules, forms or tables for Subordinate Courts in that other Union territory, be construed as a reference to the Administrator of that other Union Territory”.

Section 5 : Jurisdiction of High Court of Delhi.

(1) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union Territory of Delhi, all such original appellate and other jurisdiction as, under the law in force immediately before the appointed day, is exercisable in respect of the said territories by the High Court of Punjab.

(2) Notwithstanding anything contained in any law for the time being in force, the High Court of Delhi shall also have in respect of said territories ordinary civil jurisdiction over every suit the value of which exceeds twenty-five thousand rupees.

Section 17 : Extension of the jurisdiction of the High Court of Delhi :

(1) As from such date as the Central Government may, by notification in the Official Gazette, appoint, the jurisdiction of the High Court of Delhi shall extend to the Union Territory of Himachal Pradesh.

(2) As from the prescribed date the Court of the Judicial Commissioner of Himachal Pradesh shall cease to function and is hereby abolished.

Provided that nothing in this sub-section shall prejudice or affect the continued operation of any notice served, injunction issued, direction given, or proceedings taken before the prescribed date by the Court of the Judicial Commissioner for Himachal Pradesh abolished by this sub-section.

(3) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union Territory of Himachal Pradesh :

- (a) all such original, appellate and other jurisdiction as under the law in force immediately before the prescribed date, is exercisable in respect of the said territories by the Court of the Judicial Commissioner for Himachal Pradesh ; and also
- (b) Ordinary original civil jurisdiction in every suit the value of which exceeds twenty-five thousand rupees, notwithstanding anything contained in any law for the time being in force.

(4) All proceedings pending in the Court of the Judicial Commissioner for Himachal Pradesh before the prescribed date shall stand transferred to the High Court of Delhi.

(5) Any order made before the prescribed date by the Court referred to in

in sub-section (4) shall for all purposes have effect not only as an order of that court but also as an order of the High Court of Delhi.

(6) For the removal of doubts, it is hereby declared that the provisions of Sections 6 to 11 and 13 shall, with the necessary modifications, apply to the High Court of Delhi in the exercise of jurisdiction conferred upon it by this Section

(7) All proceedings pending immediately before the prescribed date in any Sub-ordinate Court in the Union Territory of Himachal Pradesh in or in relation to any such civil suit as is referred to in clause (b) of sub-section (3) shall on that date stand transferred to the High Court of Delhi which shall proceed to try, hear and determine the matter as if it had been pending therein.

Unsettled Problems of Union Territories

The present position of administration of Union Territories is no doubt stable, and the Government has succeeded in evolving a system to accommodate heterogeneous view-points. Nevertheless, there are several structural defects, particularly in the administrative set-up. One might, in fact, wonder if the Union Territory Administration does not eventually require a remodelling and re-shaping. Against such colossal problems, the increased awareness on the part of the Government, massive it may appear in isolation, is but a drop in the bucket.

Under existing regional arrangements, some people find tribal separation in political form, because many of the boundaries are accidentally coterminous with particular groups of people. There are unfortunately local loyalties which tend to submerge loyalty to the nation and gradually the regional allegiance is creating a feeling for regional self-sufficiency. There are difficulties flowing from fear, instability, and disharmony—problems unlikely to be eradicated quickly through the mechanism of the political process. It could be said that some other regional units may be tried. What the new units should be, is not easy to determine. They might entail greater waste, and may strain the national economy further. It would be worthwhile evolving a system to ensure quick political decisions and a liberal approach and to eradicate or minimize fear or instability, even if such a system involves a little more expenditure.

There are many reasons for the creation and continuance of Union Territories. In some cases more than one reason may be there but Goa and Pondicherry have been kept as centrally administered areas because of *historical* reasons. A separate culture and entity was to be assured, which would not have been otherwise possible. Some areas are comparatively backward in development like Laccadives and Nicobar Islands. Their merger with the neighbouring States would have created problems of management and communications. Then there are areas which are mountainous or are of strategic importance due to their geographical position on the borders with the neighbouring countries, e.g., Himachal Pradesh, N.E.F.A. (Tract), Manipur and Tripura. Giving these areas more of autonomy would have hampered the defence effort. Sometimes the political decisions are also at the root of creation of a new Union Territory. Nobody could have thought of Chandigarh to get the status which has been imposed on it a few years ago. Last reason is that of placing the federal capitals like Delhi, Canberra, Washington, etc., under a different administrative set-up.

In some of the Union Territories where the Legislatures are working satisfactorily, there is resentment against the continued denial of statehood. From the security point of view, such a discontent in the border regions will be disastrous. Some Assemblies have unanimously voiced the demand strongly and the political parties have started marshalling forces for the attainment of statehood. It would not be out of place here to mention the aspirations of the people of Himachal Pradesh who feel that if the two problems of statehood issue and the problem of food deficit are solved, Himachal Pradesh will constitute to be the most peaceful sector of the Himalayan frontier. Their reasoning is simple and compelling. After the Reorganisation of Punjab in November, 1966, its area has increased to 58,232 square kilometres from 28,192, and its population has swollen to 28,11,731 from 13,51,144. It is not only the *largest* Union Territory, but bigger than the neighbouring States of Punjab and Haryana and distant Kerala. On the basis of the 1961 census, it has a larger population than the Territory of Delhi.

In some quarters the feeling is that Himachal Pradesh

cannot be economically viable since over sixty per cent of its annual revenue comes as grants-in-aid from the Centre. In case one is asked to take into account the loans, share in central taxes and grants-in-aid, Assam and Nagaland are in no way better placed. Bihar meets 96 per cent of total deficit from central aid, Uttar Pradesh 94 per cent, Madhya Pradesh 93 percent and Punjab 88 percent. The State Income in Himachal Pradesh at current prices has shot up from Rs. 23.96 crores in 1950-51 to Rs. 56.50 crores in 1965-66. The per capita income has risen from Rs. 216 63 to Rs. 353 76. In Upper Mahasu area, the agricultural per capita income is the highest because of stupendous increase in the growth of apples and potatoes. It has over 3100 acres now under apples, against 1,850 acres before 1950. Himachal has also about 70 per cent of the total hydel potential of North-West India. It has all the good hill resorts in North-West Himalayas, e.g., Simla, Kulu, Kasauli, Manali and Dalhousie and about 300,000 persons visit these resorts every year. Himachal Pradesh is next to none in offering to the tourist what he looks for lush green forests with plenty of game, picturesque golf courses, verdant valleys, emerald meadows, orchards and gay fairs and festivals.

If the people of any Union Territory want the status of a full-fledged State, and are willing to shoulder the additional responsibility without demanding more than the routine facilities and concessions to which other States are entitled, what is the use of denying such status? Unwillingness to part with power and patronage is giving rise to discontentment and an incessant demand for political upgrading. If any organised agitation is secured or launched, the mass support is sure to come. Will not then the Central Government be put in a highly embarrassing position? It may become too late to prevent such an agitation or restrain it within reasonable limits. Likewise, in many Union Territories, some section of the people have started finding fault with the bureaucrats and style themselves as colonies. The restricted powers of the leaders and administrative bottlenecks have concentrated all the powers and regulations are approved there. Some development schemes have to be accepted or rejected because the Union Territories are not supposed to obstruct ideas emanating from the Ministry of Home Affairs. The central control is stifling the ideals and abilities to go ahead according to its resources. The bogey of over-dependence

on central grants cannot be a legitimate excuse for keeping the Union Territories under permanent control of the Central Government. If dependence on aid is to justify the Union Territory status granted to certain areas, what should be, on the same analogy, the status of India in the family of nations, taking into consideration the foreign aid she requires for her developmental functions ?

The total population of the Union Territory of Goa, Daman and Diu is 6,34,584 of which 5,95,569 persons are in Goa, 23,093 in Daman and 15,922 in Diu. The total area of the territory is 1,431 square miles—1,394 square miles in Goa, 22 sq. miles in Daman and 15 sq. miles in Diu. According to the current estimates the Scheduled Castes and Tribes form 7% of the total population of the Territory. When the Constitution (Twelfth Amendment) Act, 1962 was being discussed, the Prime Minister declared that it was not the intention of the Union Government to put an end to the individuality of Goa, and that he would be prepared to keep it as a separate entity in direct connection with the Central Government and maintain its special features till the people of Goa themselves desired change. It is idle to pretend that the steps taken so far to advance the developmental activity in the area are adequate. Much still remains to be accomplished. T. Sivasankar, Lieutenant-Governor of Goa, Daman, and Diu said, "The reorientation of an essentially trading economy to the requirements of a Welfare State takes time and while the future of Goa, with its rich mineral and other resources, its network of navigable inland waterways and its magnificent harbour is assured, the people have to endure until such time as the impact of the various measures now adumbrated begins to be felt, the travail of a difficult but necessary economic transition." The territory is hilly, full of lush green valleys and mountains, quick flowing streams, forests, coconut groves and rice fields. The terrain is endowed with scenic beauty, which attracts a large tourist traffic.

Article 29 of the Constitution states that "Any section of the citizens residing in the territory of India or of any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same." These days, it is not so easy to transfer or mutilate areas or to keep areas

under forcible possession without any regard for the considerations of harmonious understanding. A Shivaji or a Hyder Ali might have succeeded in taking areas by force or in retaining it by force. But then they did not have to reckon with a Central Government or Central Authority or the need for consulting popular opinion. But now new political forces have emerged to the fore and it would not be prudent to go against these forces. Goans have a distinct language, a script of their own, Nagari (in which the official records of the Silhars were maintained) and a culture of their own. They can only conserve them if they have a State of their own. Goa has direct access to all parts of the country and its unique geographical position does call for a separate State status because the advantages that self Government can give for the territory cannot be achieved by making it a district of another State. The financial position of the territory is very sound and progressive with a revenue of about Rs. 5 crores to 6 crores, without practically any deficit and with some surplus in some years. If against Himachal Pradesh, the charge of economic dependency is put, what about Goa, Daman and Diu ?

Democracy too, like sovereignty, is indivisible. The composite areas of any one country having more or less similar problems and dimensions cannot be treated indivisibly in matters of Government. In a Federal democratic set-up, with a single citizenship, two types of *status* are an anachronism. A society in which reason governs the contact of men, where society not of similar persons but of equals, give a feeling of integral and irreplaceable part of the whole, is something towards which the Indian Democracy is heading. Mahatma Gandhi said, "Every individual must have the fullest liberty to use his talents consistently with equal use by his neighbours, but no one is entitled to the arbitrary use of the gains from the talents. He is part of the nation or the social structure surrounding him. Therefore, structure of which he is but a part, and on whose sufferance he lives...The French have a noble motto in Liberty, Equality and Fraternity. It is a heritage not for the French only but for all mankind. What the French never realized is open to us to do. Will the princes and the princely landlords and merchants take the lead ? It is for them to take the lead and not for the have-nots, who have

nothing to share with anybody except their pauperism and abjectness ”

The Constitution of Capital Cities, Paris, London, Tokyo, Washington D.C. and Moscow, is different and the Central Government has more direct control over them. Each of the Capitals has a special governmental organisation. London has a two-tier structure with 32 boroughs. In France “all roads lead to the City of Light (Paris)”, the Capital of the Republic. Paris is governed by the Prefect of Seine and the Prefect of the police, with a 90-member elected paid Municipal Council with a 4-year term. In the special organisation of Paris, the policy of strong central control reaches its high watermark. In the words of a former Prefect of the Seine, Baron Haussman, “The Capital belongs to the Government.” The Metropolitan Tokyo is governed by Metropolitan Assembly of 120 assembly men with 4-year terms, elected directly for 36 constituencies. According to Prof. Munro, “Washington City, in fact is probably the best governed of the World’s Capitals.” Over Washington, the Congress has sole and plenary legislative power, and is governed by three paid Commissioners appointed by the President with the consent of the Senate.

Though there are no special governmental arrangements for Moscow as the Capital city as there are for London and Paris, but it is the centre of political, economic and cultural life of the Soviet Union. The government of Moscow is organised on a 2-tier structure, Soviet exercising authority throughout the city and there are 25 district soviets which are subordinate to it. The overall responsibility for administration of the City of Moscow lies with the Executive Committee. “The Soviet Union”, remarks Professor Robson, “has evolved a system of local government for Moscow and other great cities which embodies all the requirements necessary for a high degree of efficiency. There is a well-articulated and closely-knit organisation which combines in a remarkable degree the advantages of concentrating power and leadership in a small group of executive chiefs with benefits of widespread participation in the subordinate parts of the administration. The method, by which responsibility, decentralization and multiformity have been obtained are at once novel and successful.”

Delhi is also the *federal capital* with a distinct adminis-

tration of its own. The control of the Metropolitan Council over Delhi has already been discussed in detail. Like all Metropolitan areas of the world, it suffers from housing shortage, insufficient open spaces, deficiencies in urban amenities and traffic congestion. The Government of Maharashtra has recently enacted a new law, The Maharashtra Regional and Town Planning Act, 1966. The Plan for Delhi Urban area has never been a comprehensive one. The population of Delhi continues to increase at the rate of over one hundred thousand per year, but the measures being employed for planning and guiding development of the Delhi Metropolitan Region are inadequate. Something on the lines adopted in Maharashtra is the urgent need of the hour.

Neither Greek nor Roman could think of his State having a separate existence from the city in which its business was carried on, the *city state* was one in which the whole life and energy of the people, political, intellectual, religious was focussed at one point, and that point a city. On the same model is the State of Vatican City, the independent Papal State, containing some of the most historic and sacred edifices of western christianity. As the official headquarters of the Popes, the Vatican is the hub of Roman Catholicism, Chief Executive of the City State is the governor, a layman appointed by the Pope, who is directly responsible to the Pope for administration. He is assisted by a *Council* composed of the directors of the four departments of administration, Secretariat, Museum, Monuments and Technical Services. Canberra is unique among the cities of Australia in having grown purely as a government centre in being deliberately conceived to fulfil a specific function. Known as Australian Capital, territory is situated in a basin surrounded by flat-topped and pyramid-shaped hills. The population at present is about 70,000 and the territory is administered by the Commonwealth Department of the Interior, with an advisory council of four officials and five elected members.

Chandigarh, the poem in Architecture, can never vie with the Imperial City of Delhi, the Rome of Asia, in monumental remains, or with the City of Akbar (Agra) in the splendour of its architecture, but no other Indian city can ever boast of having ever been the seat of three Governments. There is a dominant sense of a society in transition. The aims of planning

which refer to the self-sufficiency of a city have, unfortunately, proved to be a great failure as regards Chandigarh. The root cause is the uncontrolled growth of population in different sectors. Each sector had been planned to provide for population ranging from twelve hundred people in upper class sectors to about fifteen thousand in the more populous sectors. Planning does not merely mean erecting beautiful and huge buildings and wide streets. If the population is allowed to have mushroom growth, after some time, this city also will be confronted with all these problems which other old cities of India are facing. To change the fundamental basis of the plan will amount to the negation of planning, so the only alternative left is to control the population from exceeding the final estimated targets. The starting of the second phase is a welcome step and shows the farsightedness of the administration. The neighbourhood unit in Chandigarh is almost missing.

Chandigarh can be called the First Garden City of India in the tradition of Howard. Letchworth was the First Garden City of Britain founded by Howard in 1903 in an urban district of Hertfordshire. It contains residential, commercial and industrial zones and a civic centre containing a museum. The second garden city was started in 1920 by a joint-stock company, 20 miles from London, North of Hatfield. Americans too tried their hands in the late 1930's and various greenbelt towns were built by the Suburban Resettlement Division of the U.S. Resettlement administration. Chandigarh, planned from the twists and turns of its gridiron system of roads to the types of trees and shrubs that will beautify its boulevards and foot paths presents a beautiful city sunk sleep in the deep valley. However, there is no social base other than a general similarity of income. In order to add to the social variety and counteract the hierarchic domination of the government class, there is the need of an eventual development of a sizeable business community. Chandigarh is a modern city and provides for a greater juxtaposition of caste, language and religion. Le Corbusier said, "Fashioned throughout millennia by the conditions of nature, man cannot with impunity disrupt the natural order. Shut up in masonry walls and conditioned to smell of petrol fumes, men in large towns lead a cramped and unhappy life, deprived of the essential joys of life, sun, space and verdure. Unless the conditions of nature are re-established in man's life, he cannot

be healthy in body and spirit." Much of the traditional pattern of Indian town life with obsolete established patterns has been abandoned, but a viable and new social pattern is yet to be developed. About its political status and future existence there are two claimants, Punjab and Haryana. Let the rivals advocate their claims and counter claims and leave her alone blushing on their blessed ignorance.

Wilson indicated that with the increasing complexity of government, a science of administration should seek to "straighten the paths of government, to make its business less unbusiness-like, to strengthen and purify its organisation, and to crown its duties with dutifulness." The administration should concern itself with the detailed execution of plans laid down in law ; so that the development is not one-sided. In almost all the Union Territories, the development is not even, some areas of Himachal Pradesh are underdeveloped. The development should be all-round, but in Nicobar Islands, it is unbalanced, some areas have developed more than others. Car Nicobar has well-equipped hospitals and dispensaries, with Community Welfare Centres, Mahila Mandals, Youth Clubs, Balwadis, etc. but because of the scattered nature of the population and difficult means of communication, such facilities have not been extended to other parts. Choura, for instance, has no scope for development. Life in these islands had been stagnant for some time. The area is not only under-developed, but largely untouched and some parts are still to be explored. People cannot set up industries, neither are they profitable. More of financial resources should be allocated to the areas which have not developed so far, and it will be a worthwhile investment.

Press Reports say that Pakistan is advancing its claim over the Indian Islands of Andaman and Nicobar Islands. Their only logic is that India's military activities in these areas pose a threat not only to Pakistan but to the world peace. According to the Pakistan Feature Syndicate, most of the Islands in the Bay of Bengal lie some 780 miles from Madras, while these are only 100 miles away from Indonesia, 120 miles from Burma and 425 miles from East Pakistan. Pakistan wants to re-distribute these islands among Indonesia, Burma and Pakistan so that the administration of the Islands is handed over to countries lying close to them. Further they feel that such

an organisation will help to correct the geographical demarcation of the borders.

East Pakistan is separated from West Pakistan by about 1,000 miles of Indian territory. The nearest sea route is about 3,000 miles long. Socially also the two wings are very much different from each other; except religion the people in East Pakistan have nothing in common with those in West Pakistan—language, dress, diet, way of life. Western Pakistan falls towards Middle East while East Pakistan is irrevocably a part of South East Asia. East Pakistan consists of the eastern part of the province of Bengal, plus Sylhet District of Assam. East Pakistan's border is surrounded on three sides by India and there is a 174 miles border with Burma, in addition to 445 miles along the Bay of Bengal. West Pakistan borders Iran, Afghanistan and India. If Pakistan's claim of sharing the administration of Nicobars is extended a little to her own territory, would it not be feasible and economical to administer East Pakistan jointly by India and Burma, and West Pakistan by India and Iran, because of their close proximity to the borders. As regards the correction of geographical demarcation and homogeneous distribution, for ensuring world peace and lasting stability in Asia, would it not be advisable and worthwhile to remove the trouble spot, *i.e.*, Pakistan, from the Indian Sub-Continent.

Manipur is an isolated, hill-girt, geographically distinct entity. Among the Union Territories, Manipur has a very low population followed by Andaman and Nicobar Islands, though in area it comes next to Himachal Pradesh which is the largest in size. The population can be divided in two divisions, the Central Valley inhabited by the Meiteis, and the tribes, the hill area is inhabited by the Nagas and other hill tribes. The territory is not rich in natural resources and there is no recorded mineral production. The problem of economic development is complicated due to the existence of a large, backward tribal population. The serious problem of destructive practices of shifting cultivation should be immediately tackled. The future development should aim at strengthening the agricultural base because 80% of the population is dependent on agriculture. It can be done (a) by increasing the productivity of the land, (b) by bringing more land under cultivation and

(c) by diversified cropping. Decentralisation of powers to local officers at sub-divisional levels may be necessary to accelerate the pace of development. A separate cadre to man the problems of frontier areas of India may perhaps achieve greater results.

Tripura is predominantly rural with 72% of earners engaged in agriculture and allied occupations. More than unemployment, the greater problem is that of under-employment because the pressure of population on the land is very heavy. This population has further increased due to 90% increase of refugees from Pakistan who have settled there. Partition had struck heavy blows on Tripura and particularly to the western and southern areas which now constitute East Pakistan. In order to raise the standard of living of tribal people their occupational pattern should be so diversified as to be acceptable to them. The problems of the tribal areas are (a) the need of land settlement, (b) the improvement of the productivity of existing economic pursuits, including Jhum cultivation, (c) emotional integration between immigrants and the tribal population, (d) alternative occupations for the surplus population, (e) social uplift including education. The administration should see that the tribals are not borne down by a sense of inferiority complex. The territory has been handicapped by high transport costs and with a small domestic market. The physical features present exceptional difficulties for the development of cheap and adequate communications. It is not possible to develop heavy industries. There are no mineral resources and very little of hydro-potential, the generation of electricity is also very slow. So efforts should be made for (a) the creation of basic overheads and conditions, (b) development of institutions to encourage the growth of small industries, (c) special measures which protect the small producer from the larger, (d) direct measures for the actual construction and management of industries.

Under the Constitution, the sources of revenues for the Centre and the constituent units follow the pattern set-up in the Government of India Act, 1935. Financial relations between the Centre and the States were to be reviewed by a Finance Commission, "to be appointed first two years after the commencement of the Constitution and thereafter at the expiry

of five years or at such earlier time as the President may consider necessary." The percentage of the net proceeds of income tax to be assigned to the constituent units and the principles on which they were to be distributed were to be prescribed by an order of the President. But after the constitution of a Finance Commissioner, the President was to take the recommendations of the Commission into account before making an order. Thus the overwhelming resources are in the hands of the Union and all the Finance Commissions have examined the question of appropriate transfers from the Centre to the States. These provisions have made the States more solvent and self-reliant. Paradoxically, the Union Territories are not covered by the terms of reference to the Finance Commission though financially they are dependent on the Centre. The financial control is so tight that sometimes there are blanket orders authorising expenditure. The pay and allowances of the staff working in many Union Territories were increased because of the orders of the Central Government but the funds were not released for sometime. The Union Territory Administration cannot effect a change in the taxation pattern in keeping with the local economic position, and has to send most of the schemes, for administrative and financial sanction to the Central Government. It creates inordinate delays in the developmental activities. Is it not a legitimate basis for complaints by the Union Territories that their autonomy is being whittled down ?

Blackstone said, "The Liberties of England may be ascribed above all things to her free local institutions. Since the days of their Saxon ancestors, her sons have learned at their own gates the duties and responsibilities of citizens." In most of the States of India, Panchayati Raj institutions and other local bodies are working effectively. In spite of the best efforts of the Governments of Union Territories, the Local Self-Government has not become a native plant but is exotic. Its success may be limited by Hegel's axiom that the institutions of "one people could not be imposed on another." But within the same country why should there not be a uniform development ? The democratic character of the country can only be emphasized by the broad basis of popular participation in its multifarious activities. Let the citizens of the Union Territories feel that the government is "their own," and act accordingly. The terri-

teries where the self-government has not been effectively introduced, immediate attention should be paid to do so.

Wherever democratic institutions exist, experience has shown that stability and security of the efficient civil service is possible only if the democratic recklessness of the political governments is controlled. The Public Service Commissions perform broadly three categories of functions : (a) recruitment to public service, (b) promotion, disciplinary codes and appeals against disciplinary actions and undue-promotions and (c) fixing of salaries, classification, conditions of service, negotiation with staff association etc. The Civil Service Commission of Canada and the Public Service Board of Australia perform all the above functions. The control over the public service in India is exercised by the Ministries of Home Affairs and Finance at the Centre and the General Administration Department in the States. The absence of Public Service Commission in the Union Territories deprives the local youngmen and women of opportunities to serve their own territory. The people are expected to compete with people from all over India unlike other States, even for the provincial services. In the field of executive action, the presence of joint cadres of I.A.S., I.P.S., and medical service, etc., the local youth is also denied due opportunity. The control is vested only in the Ministry of Home Affairs as regards the Union Territories. There are at least three sound reasons why this control should not be vested in the Executive. Firstly, the Executive is essentially concerned with the formulation of general principles of policy, and is too much preoccupied. Secondly, the ministries usually have a negative attitude towards change and reform and lastly administration suffers from red-tapism and excessive departmentalism. C.N. Bhalerao says, "Public Service Commissions will be able to operate effectively with the democratisation of economic power in society, the development of a democratic political culture based on the freedom of the individual and popular participation and effective control of society on politics, and the emergence of dynamic leadership at all levels in society."

The government of a country must have confidence in its own capacities. There must be political leaders who feel attached to parliamentary institutions and procedures, who

presided over by the Home Minister and he may use his discretion and refuse, in public interest, to give information or to allow discussion on any subject. Like the Assemblies, the Committee will meet at least once in six months. These bodies cannot be very effective because they do not meet too often. Are the members given all the freedoms of expression etc. which are conventionally granted to the members of elected assemblies in the Union Territories? If they can enlighten the public about the day-to-day administration and serve as a connecting link between the common man in the street and the Government of India *vis-a-vis* the administrator, there is nothing wrong. At present there is neither any entry on the credit side, of course, nor on the debit side. Should the *status-quo* be maintained?

Under the guise of government by the majority of the people through its elected representatives in Himachal Pradesh, Manipur, Goa, Daman and Diu, Pondicherry and Tripura, we have, as some think, the dictatorship of a small group of civil servants sitting in Delhi. At the local level, the Government has created an obedient and efficient hierarchy of unparalleled magnitude and assembly has no control over the executive. The Assemblies were originally formed in order to give some sort of parliamentary government. Today, it seems that the elected assemblies exist only in isolation and creating an impression as if they desperately lack brains to evolve a policy which will suit them or their area. The limitations on the powers of the legislators place them in an embarrassing position before the electorate. Almost all of the activities of the assemblies are regarded by some as little more than a waste of time and a farce.

Education has always been important, but, perhaps, never more so important as in the Union Territories. In the science-based world, education and research are crucial for the development of an area. The emphasis on the social purposes of education and the need to use it as a tool for the realization of national aspirations is recognised by all. In order to check narrow loyalties and group interests, a sound educational system is a must and attention should be paid to develop education in such a way that there is all-round development. The expansion of facilities in higher education should be

planned broadly in relation to manpower needs and employment opportunities. Education Commission (1964-66) has made the following recommendations regarding the education of the Backward Classes : (i) the existing programme for the education of the Scheduled Castes should continue and be expanded, (ii) greater efforts are needed to provide educational facilities for the nomadic and semi-nomadic groups, (iii) hostels should be provided for the children of the denotified communities. As regards the education of the tribal people it said "it is essential to develop cadres of persons who will devote themselves to the service of the tribal people. In the early stages, these cadres will consist mostly of non-tribals but an effort has to be made to develop such cadres among the tribals themselves."

Educational facilities are not adequate. No Union Territory except Delhi and Chandigarh has any University of its own and the higher education suffers considerably. It also becomes impossible for the Government to take up revision of syllabi of various courses to suit local needs. The University Grants Commission has recommended a separate University for Goa but so far no effective steps have been taken. Education Commission proposed the establishment of a University for the hill areas of the North-Eastern Region. It should be regarded as a major measure for spearheading economic and social development in the area. Himachal Pradesh is also ripe for a separate University of its own. It will not be too long when every Union Territory puts a claim for a separate University and this claim will have to be entertained, sooner or later.

We are on the threshold of a new development. It is wrong to regard national interest as something aloof and apart from the interests of the Union Territories. We should not be biased against those who have joined us quite late. If we start treating every sign of initiative and self-expression in some of the Union Territories as a threat to national integration, we will only augment a sense of frustration and resentment. The dark and sinister forces of communalism still slumber in the womb of new India. In some of the Union Territories, the problem of caste is also acting as a serious disruptive force. The main reason of the conflicts of ideologies and classes lies in the fact that in the variegated pattern of the Indian scene,

some 200 tribes remained unaffected with the main current of the freedom movement. What is necessary more than ever today, is to evolve a new relationship of cooperative effort and a sense of equal partnership. It would not be right to assume that *only* the Central Government has the inherent superiority of knowledge to determine what is good for the Union Territories.

In some of the Union Territories, there are peculiar problems of hilly people. These problems of the people living in the sensitive and strategic part of the country are different from those living in the plains. They have been cut off from the stream of national life. Shortage of capital, lack of skilled personnel, lopsided production, backward agricultural system, and other problems have left these areas under-developed. The people living in Himachal Pradesh, N.E.F.A. (Tract), Manipur and Tripura have the responsibility of defending the frontiers. Due care and attention must be paid to their individual and particular problems. The peace in the Hill tracts depends upon the proper observance of the customs and precedents. The Hill Areas have been specifically excluded from the scope of the Manipur Land Revenue and Land Reforms Act, 1960 but, of late, the customs and precedents are losing their hold on the tribesmen. People have started doubting the integrity of the village head-man and village-elders and the inter-village disputes have increased. Village Authorities set in 1956 are unable to take effective care of the area. There is need for proper land records and a suitable agency for the management of land problems. Adequate attention is not being paid to bring them *at par* with people living in the rest of the country. Is it desirable that these developments should continue? More important, is the pattern that evolved in the past two decades likely to last?

The inhabitants of N.E.F.A. are sturdy, hardworking and brave people with an immense love for their customs, traditions and institutions. The mode of their living must not be changed abruptly and if the things or reforms are imposed, they will entail resentment. The development of the people and the area should aim at creating conditions for gradual increase of demands in the minds of tribals and try to generate abilities for their fulfilment by increase of resources of the people

themselves. Changes are fast appearing and increase of inter-relation of the people with other areas should be encouraged. The Delegation of the Assam Legislative Assembly said in 1962, "The Social Service organisations can extend their services for the betterment of the people provided they are actuated by the spirit of service alone. The social service organisations working in these areas with the spirit of service can not only contribute towards speedy development of the people but can also open the gateway for these people to come in closer contact with the people of rest of India which will certainly pave the way of friendship, amity and mutual understanding necessary for mutual integration. Reform measures should not be prescribed but should be emulated for the people of N.E.F.A. by gradual process of assimilation of ideas that may be opened up before them for their appreciation and acceptance." Let us try to create in them a sense of brotherhood and cooperation. Efforts should be made to bring psychological changes so that they do not regard themselves *alien* in their own home-land.

The comparative isolation of many Islands no doubt conjures up an idyllic existence, but the inhabitants are very anxious to see that their islands are made free of disease and epidemics, to see their children well-educated, and generally to see their standard of living raised. Efforts should be so directed as to make the Islands cease to exist as coral atolls. Planning and hard work should try to make them happier "Laksha Dwipa". The absence of established ports or harbours in the islands still continue to be the main handicap for the speedy development of these islands. This difficulty is being overcome for the time being by deepening of channels to the lagoons and the construction of Jetties to facilitate embarkation and disembarkation of passengers and loading and unloading of cargo. The lack of proper and reliable means of communication between the mainland and the islands continues to be a constant impediment and bottleneck to the successful implementation of various developmental activities. The inhabitants are illiterate, and most of them have not seen any place other than their islands. Their knowledge of men and things and of the world is very limited. Life is not happy because various amenities are lacking.

The administrative tutelage has been defined by Munro as "the totality of the powers accorded by law to a superior

authority over decentralized bodies and over their actions granted in order to protect the general interest." From the administrative point of view it would be difficult to continue Pondicherry under one unit because Mahe, Yaman and Karaikal and other places are scattered in different places at distances of 300 or 400 miles. Pondicherry Settlement is limited on three sides by Madras State and even otherwise it is not a contiguous area but is interspersed with bits of territory of Madras State. Karaikal Settlement is also bound on most of the sides by Madras State. Yaman is at a distance of 8 km. from East Godavari District of Andhra Pradesh. The only possible solution may be the merger of these settlements with the neighbouring States. Much of the money is at present spent on the top heavy administration of these areas at tax-payer's cost. Would it not be possible to find out an arrangement where some exclusive attention may be paid to these areas even after merging them with the neighbouring States ?

The system of judicial administration and of *Laws* which we follow in India is the most valuable legacy of the British. It is not the creation of one man or of one century but a fruit of emulative endeavour, experience, thoughtful planning and patient labour of administrators through generations. The judicial machinery imported from England has even set up here with slight modifications and is now firmly rooted in her soil. It would be disastrous to change it but some modifications and adjustments are necessary in order to dispense justice to the inhabitants of Union Territories. The need of the hour is that the rules of procedure and evidence should be so simplified that Justice may be available to the rich and the poor alike and that it may be prompt and effective. In the Union Territories there is no unified uniform system of judicial hierarchy. Is it impossible to make them conform to a uniform pattern ?

The superintendence, direction and control of the High Court over the subordinate courts under its jurisdiction has always been a conspicuous feature of the judicial administration. In England Blackstone observes, "It is the peculiar business of the Court of King's Bench to superintend all inferior tribunals, and therein to enforce the due exercise of those judicial and ministerial powers with which the crown or legislature have

invested them, and this not only by restraining their excesses but also by quickening their negligence and obviating their denial of justice." As regards the Union Territories the laxity of supervision by the High Courts has largely contributed to a considerable decline in the efficiency of the subordinate judiciary. People are given justice by a High Court of a neighbouring State or a Judicial Commissioner. There is the need of a separate High Court for each Union Territory. The judiciary and the executive must be separated in all the Union Territories. They have been married for too long and as bed-fellows they are capable of doing incalculable harm. The Constitution also lays down clearly that the State shall take steps to separate the judiciary from the executive in the public services of the State. What the people want is that the executive should mind its own business at all levels of administration. It is only when this happens that the independence and utility of judiciary will be assured. Making good laws is not enough, you must have good judges and they must be sufficient in number as well as in learning. There is an urgent need of adequately trained and capable judicial officers. The prevalence of corruption in the ministerial staff of subordinate courts is a long standing evil. The officers of the courts should be delegated more and more of authority of punishing the subordinate staff working in the courts. There are some delays in the disposal of cases. In order to avoid delays in the disposal of civil suits, firstly as the Law Commission has recommended, the jurisdiction of the Small Cause Courts should be extended both as regards the maximum pecuniary limits as also the classes of suits cognizable by such courts. This measure would lighten the burden upon the regular courts of first instance and also on the appellate courts. Secondly, the courts should be frequently inspected by the District Judges. A responsible officer should make regular inspection of the work of process servers by making frequent surprise visits to the far-fetched areas. The High Courts generally suffer from serious congestion, so the number of permanent judges should be increased.

We have dilated at length on the evils of concentration of power, bureaucratisation of all initiative, party politics, exploitation and so many other factors which suppress the democratic aspirations; but now the journey is heading towards

a close. The purpose of a peep into the administration of Union Territories was not to have an excursion "in Wonderland" or to visit, as Morris Jones says, "the Unhappy Utopia", but to find a convenient peg to hang a new theory—a theory that more and more attention should be paid to these areas and their legitimate demands be immediately met. Many disruptive forces should be combated to weed out thousands of Lilliputian local loyalties and interests which not only have no political justification but also are anti-national. The areas which can be self-sufficient should be brought *at par* with other States ; otherwise circumstances will compel such an alternative. The territories which lack financial resources, requisite for maintaining the governmental machinery required by them and for supplying the services which people today demand, should continue to have the present status till that time when they are self-sufficient. Government areas must be sizeable and viable if they are expected to deliver the goods. What is needed is a philosophy of a "new sense of community" and evolution of institutions consistent with the dignity of a free nation, so that the entire fabric of Indian society could be revived, strengthened and sustained.

The ultimate goal in regard to most of the Union Territories still remains their eventual merger with adjoining States. The process may be gradual and during the interim period, they may be continued to function as separate administrative units. Those who benefit by the present status of the Union Territories are so wedded to its righteousness that they tend to prefer to fight for it rather than surrender its advantages. They do not do so, let me insist, for any national interest but are driven by the passionate conviction that the transformation proposed is not only fatal to them, but fatal also to those with whose well-being they believe themselves to be charged. Such interests are not ready to surrender their advantageous position and these vested interests have to be persuaded or coerced into giving way.

Appendices

I

ARTICLE 73 OF THE CHARTER OF THE UNITED
NATIONS

Declaration Regarding Non-self-Governing Territories.

Members of the United Nations which have or assumed responsibilities for the administration of territories whose people, have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and to this end,

- (a) To ensure, with due respect for the culture of the people's concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses.
- (b) To develop self-government, to take due account of the political aspirations of the people, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its people and their varying stages of advancement.
- (c) To further international peace and security.
- (d) To promote constructive measures of development to encourage research and cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purpose set forth in this Article, and
- (e) To transmit regularly to the Secretary-General for information purposes, subject to such limitations as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social and educational conditions in the territories for which they are respectively responsible other than those territories to which other chapters apply.

2

**FACTORS WHICH SHOULD BE TAKEN INTO ACCOUNT
IN DECIDING WHETHER A TERRITORY IS OR IS NOT A
TERRITORY WHOSE PEOPLE HAVE NOT YET ATTAINED
A FULL MEASURE OF SELF-GOVERNMENT**

Resolution 742 (VIII) of the General Assembly, 27 November, 1953. GAOR, VIII, Supp. 17 (A/2630), pp. 21-3.

Annex. List of Factors

**Factors Indicative of the Attainment of Independence or
of other separate systems of Self-Government**

***First Part : Factors Indicative of the Attainment of
Independence***

A. International status

1. International responsibility : Full international responsibility of the territory for the acts inherent in the exercise of its external sovereignty and for the corresponding acts in the administration of its internal affairs.

2. Eligibility for membership in the United Nations.

3. General international relations : Power to enter into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments.

4. National defence : Sovereign right to provide for its national defence.

B. Internal Self-Government

1. Form of Government : Complete freedom of the people of the territory to choose the form of Government which they desire.

2. Territorial Government : Freedom from control or interference by the Government of another State in respect of the internal government (legislature, executive, judiciary, and administration of the Territory).

3. Economic, social and cultural jurisdiction : Complete autonomy in respect of economic, social and cultural affairs.

Second Part : Factors Indicative of the Attainment of other Separate Systems of Self-Government.

A. General

1. Opinion of the population : The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. Freedom of choice : Freedom of choosing on the basis of the right of self-determination of people between several possibilities, including independence.

3. Voluntary limitation of sovereignty : Degree of evidence that the attributes of sovereignty which are not individually exercised will be collectively exercised by the larger entity thus associated and the freedom of the population of a territory which has associated itself with the metropolitan country to modify at any time this status through the expression of their will by democratic means.

4. Geographical considerations : Extent to which the relations of the Non-Self-Governing Territory with the capital of the metropolitan government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles ; and extent to which the interests of boundary States may be affected, bearing in mind the general principle of good-neighbourliness referred to in Article 74 of the Charter.

5. Ethnic and cultural considerations : Extent to which the populations are of different race, language, or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the people of the country with which they freely associate themselves.

6. Political advancement : Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

B. International status

1. General international relations : Degree or extent to which the territory exercises the power to enter freely into

direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments freely. Degree or extent to which the metropolitan country is bound, through constitutional provisions or legislative means, by the freely expressed wishes of the territory in negotiating, signing and ratifying international conventions which may influence conditions in the territory.

2. Change of political status : The right of the metropolitan country or the territory to change the political status of that territory in the light of the consideration whether that territory is or is not subject to any claim or litigation on the part of another State.

3. Eligibility for membership in the United Nations.

C. Internal Self-Government

1. Territorial Government : Nature and measure of control or interference, if any, by the government of another State in respect of the internal government, for example, in respect of the following :

Legislature : The enactment of laws for the territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in a manner receiving the free consent of the population ;

Executive : The selection of members of the executive branch of the government by the competent authority in the territory receiving consent of the indigenous population, whether that authority is hereditary or elected, having regard also to the nature and measure of control, if any, by an outside agency on that authority, whether directly or indirectly exercised in the Constitution and conduct of the executive branch of the Government.

Third Part : Factors Indicative of the Free Association of a Territory on Equal Basis with the Metropolitan or Other Country as an Integral Part of that Country or in Any Other Form.

A. General

1. Opinion of the population : The opinion of the population of the Territory freely expressed by informed and

democratic processes, as to the status or change in status which they desire.

2. Freedom of choice : The freedom of the population of a Non-Self Governing Territory which has associated itself with the metropolitan country as an integral part of that country or in any other form or modify this status through the expression of their will by democratic means.

3. Geographical considerations : Extent to which the relations of the territory with the capital of the Central Government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles. The right of the metropolitan country or the territory to change the political status of that territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State.

4. Ethnic and cultural considerations : Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the people of the country with which they freely associate themselves.

5. Political advancement : Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

6. Constitutional considerations : Association by virtue of a treaty or bilateral agreement affecting the status of the territory, taking into account (i) whether the constitutional guarantees extend equally to the associated territory ; (ii) whether there are powers in certain matters constitutionally reserved to the Territory or to the Central Authority and (iii) whether there is provision for the participation of the territory on a basis of equality in any changes in the constitutional system of the State.

B. Status

1. Legislative representation : Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

2. **Participation of the population :** Effective participation of the population in the Government of the territory : (a) Is there an adequate and appropriate electoral and representative system ? (b) Is this electoral system conducted without direct or indirect interference from a foreign government ?

3. **Citizenship :** Citizenship without discrimination on the same basis as other inhabitants.

4. **Government Officials :** Eligibility of officials from the territory to all public offices of the central authority by appointment or election, on the same basis as those from other parts of the country.

C. Internal Constitutional Conditions

1. **Suffrage :** Universal and equal suffrage, and free periodic elections, characterized by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular parties.

2. **Local rights and status :** In a unitary system equal rights and status for the inhabitants and local bodies of the territory as enjoyed by inhabitants and local bodies of other parts of the country ; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the country.

3. **Local Officials :** Appointment or election of officials in the territory on the same basis as those in other parts of the country.

4. **Internal Legislation :** Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country.

5. **Economic, social and cultural jurisdiction :** Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the territory ; and by the degree of freedom and lack of discrimination against the indigenous of the territory in social legislation and social developments.

3

PUNJAB ACT NO. XXVII OF 1952

The Capital of Punjab (Development Regulation) Act, 1952

Some Extracts

Section 4 : (1) For the purpose of proper planning or development of Chandigarh, the State Government or the Chief Administrator may issue such directions, as may be considered necessary, in respect of any site or building, either generally for the whole of Chandigarh or for any particular locality thereof, regarding any one or more of the following matters, namely :

- (a) Architectural features of the elevation or frontage of any building.
- (b) Erection of detached or semi-detached buildings or both and the area of the land appurtenant to such building .
- (c) The number of residential buildings which may be erected on any site in any locality ;
- (d) Prohibition regarding erection of shops, workshops, ware-houses, factories or buildings of a specified architectural character or buildings designed for particular purposes in any locality.
- (e) Maintenance of height and position of walls, fences, hedges or any other structural or architectural construction.
- (f) Restrictions regarding the use of site for purposes other than erection of buildings.

Section 5 : (1) No person shall erect or occupy any building at Chandigarh in contravention of any building rules made under sub-section (2).

(2) The State Government may, by notification in the Official Gazette, make rules to regulate the erection of buildings and such rules may provide for all or any of the following matters, namely :

- (a) The materials to be used for external and partition walls, roofs, floors, staircases, lifts, fireplaces,

- chimneys and other parts of a building and their position or location or the method of construction.
- (b) The height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes.
- (c) The ventilation in, or the space to be left about, any building or part thereof to secure a free circulation of air or for the prevention of fire etc. etc.

Any person aggrieved by an order of the Estate Officer made under sections 8 and 9 may, within thirty days of the date of the communication to him of such order, prefer an appeal to the Chief Administrator in such form and manner as may be prescribed.

Provided that the Chief Administrator may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

2. The Chief Administrator may after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such orders as he deems fit.

3. The Chief Administrator may, either of his own motion or on application received in this behalf, at any time call for the record of any proceeding in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation thereto as he thinks fit.

Where a person is aggrieved by any order of the Chief Administrator, deciding a case under sub-section (2) or sub-section (3) he may, within thirty days of the date of communication to him of such decision, make an application in writing to the State Government for revision against the said decision ; and the State Government may confirm, alter or rescind the decision of the Chief Administrator.

If it appears to the Chief Administrator that it is necessary or expedient to preserve or plant trees generally or of specified kind in Chandigarh, he may, by notification in the Official Gazette, make an order with respect to trees generally or such kind of trees as may be specified in that order.

A.

REPORT OF THE STATES REORGANISATION
COMMISSION

Extracts

Para 248. There is little that Part C States as a category of States, have in common with each other. Separated from each other by long distances, they have greater economic, linguistic and cultural affinities with the neighbouring States than with each other. Politically, economically and educationally, they are in varying phases of development. Even in the Constitutional field, they do not follow a uniform pattern in that some of them have legislatures and ministries and others only advisory councils. Two are administered through Lt. Governors and the remaining through Chief Commissioners.

Para 260. The Part C States have urged that the paralysing control which is exercised by the Government of India must be held to account for this poor performance. Considering the ultimate responsibility of the Government of India to Parliament in respect of the administration of these States, Central control over them cannot be completely eliminated. But the main reason for the relatively slow progress of the plan in the Part C States is not the nature or the extent of the control exercised by the Central Government.

Para 265. The position is that there is a general consensus of opinion that the existing set up of the Part C States is unsatisfactory. The solution suggested by the official representatives of the Part C States, namely, a constitutional status which is identical with that of the Part A States, will remove only the constitutional anomalies. These small units will still continue to be economically unbalanced, financially weak and administratively and politically unstable.

Para 266. The democratic experiment in these States, wherever it has been tried, has proved to be more costly than was expected or intended and this extra cost has not been justified by increased administrative efficiency or rapid economic and social progress. Quite obviously, these States cannot subsist as separate administrative units without excessive

dependence on the Centre, which will lead to all the undesirable consequences of divorcing the responsibility for expenditure from that for finding the resources.

Para 267. Political institutions as well as political consciousness have been of a relatively recent origin in most of the Part C States. The choice of leadership, therefore, is necessarily limited. Besides, the smaller the forum for political activity the greater the inter-play of personal ambitions and jealousies on the administrative side, they give rise to all kinds of anomalies and difficult situations and the size of these units is such that it does not even admit the enforcement of the salutary convention that district officers should not normally statu in their home towns.

Para 280. The present position is that the Central Government is, for legal purposes, the repository of all power and is responsible for the entire administrative field so far as the Part C States are concerned. At the same time, in several of these States there are local ministries responsible to their respective legislatures in the State field of administration. Conflict and blurring of responsibility are inherent in this constitutional relationship.

Para 285. Taking all the facts into consideration, we recommend that the component units of the Indian Union be classified into two categories :

- (a) "States" forming primary constituent units of the Indian Union having a constitutional relationship with the Centre on a federal basis. These units should cover virtually the entire country.
- (b) "Territories" which for vital strategic or other considerations, cannot be bound to any of the States and are, therefore, centrally administrated.

Para 286. These "Territories" should be represented in the Union Legislature, but there should be no division of responsibility in respect of them. Democracy in these areas should take the form of the people being associated with the administration in an advisory rather than a directive capacity. The "Territories" may, therefore, have advisory bodies suitable to these requirements. If people of these areas seek a fully democratic form of government, they should be prepared to merge themselves in larger areas which can provide the full normal legislative and administrative machinery of a State.

5

THE TERRITORIAL COUNCILS ACT, 1956

An Act to provide for the establishment of Territorial Councils in certain Union Territories.

Some Extracts

Section 3. For each Union Territory there shall be a Territorial Council as from such date as the Administrator may, by notification in the Official Gazette, appoint in this behalf.

(2) The total number of seats in the Territorial Council to be filled by persons chosen by direct election on the basis of adult suffrage from territorial constituencies shall be forty-one in the case of the Territorial Council of Himachal Pradesh and thirty in the case of the Territorial Council of Manipur or of Tripura.

Provided that of the total number of such seats in the Territorial Council of Himachal Pradesh twelve seats shall be reserved for the Scheduled Castes.

(3) The Central Government may nominate not more than two persons, not being persons in the service of Government, to be members of any Territorial Council.

Section 28. Subject to exceptions and conditions as the Central Government may make and impose, the following matters shall be under the control and administration of a Territorial Council, namely :—

- (i) the maintenance and management of such property, movable and immovable, and institutions, as may be transferred to that Council ;
- (ii) the construction, repair and maintenance of such of the roads, bridges, channels, buildings and tanks as may be transferred to the Council ;
- (iii) The planting and preservation of trees and avenues, etc. etc.

Section 29. A Territorial Council shall meet for the conduct of business at least once in every two months and shall,

with the previous approval of the Administrator, make its rules of business with respect to the summoning, notice, place, conduct and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the Council.

Section 53. (1) The Central Government may, on receipt of a report from the Administrator or otherwise, by order, supersede a Territorial Council on being satisfied that the Council is not competent to perform, or persistently makes default in the performance of, its duties, or exceeds or abuses its powers.

Provided that a reasonable opportunity shall be given to the Territorial Council to explain its conduct before the order of supersession is made final by the Central Government.

(2) When an order is made under sub-section (1) above, the Central Government may make such incidental and consequential provisions as may appear to be necessary or expedient for carrying out the functions of the Territorial Council.

(3) As soon as may be after supersession of a Territorial Council under sub-section (1), and in any case within a period of one year from the date of such supersession, the Administrator with the previous approval of the Central Government shall, by one or more notification published in the Official Gazette, call upon the constituencies to elect members in accordance with the provisions of this Act and the rules and orders thereunder before such date or dates as may be specified in the notification or notifications.

6

THE ANDAMAN AND NICOBAR ISLANDS (PROTECTION OF ABORIGINAL TRIBES) REGULATION, 1956**Some Extracts**

4. No waste or unoccupied land at the disposal of the Government in a reserved area shall be allotted for agricultural purposes to any person other than a member of an aboriginal tribe :

Provided that the Chief Commissioner may allot any such land to any person other than a member of an aboriginal tribe :

- (a) if the Chief Commissioner is satisfied that such land is not required by any such member ; or
- (b) if in his opinion the allotment of land to a person other than a member of an aboriginal tribe is necessary for the purpose of consolidation of land or is otherwise in the public interest.

5. (1) No member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, transfer by way of sale, exchange, mortgage, lease or otherwise any land to any person other than a member of an aboriginal tribe.

(2) No land held or occupied by a member of an aboriginal tribe shall be liable to attachment or sale in execution of any decree or order of a civil or revenue court.

(3) Any transfer, attachment or sale of any land made in contravention of this section shall be void.

6. (1) No person other than a member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, acquire any interest in any land situated in a reserved area or in any product of, or crop raised on, such land or shall, except under and in accordance with the terms and conditions of a licence granted by the Chief Commissioner, carry on any trade or business in any such area.

(2) The provisions of sub-section (1) shall apply to any person who, at the commencement of this Regulation, is carrying on any trade or business in any such area after the expiration of sixty days from such commencement.

7. The Chief Commissioner may, by notification, prohibit any person other than a member of an aboriginal tribe or any class of persons other than members of an aboriginal tribe from entering a reserved area on the authority and subject to the observance of the conditions and restrictions of a pass granted by the Deputy Commissioner or by such other officer as the Deputy Commissioner may authorise in writing in this behalf.

8. (1) Whoever, in contravention of the provisions of section 6, acquires any interest in, or in any product of, or crop raised on, any land, or carries on any trade or business, in a reserved area, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both ; and the interest so acquired shall be disposed of in such manner as the Chief Commissioner may, after taking into consideration the circumstances of the case, direct.

(2) Whoever, in contravention of a notification issue under section 7, enters a reserved area shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever does anything in contravention of any of the conditions or restrictions subject to which a pass has been granted to him under section 7, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

9. (1) The Chief Commissioner, or any person authorised by him in this behalf, may arrest without a warrant any person who has committed, or is suspected of having committed, any offence punishable under this Regulation.

(2) Every person arrested under sub-section (1) shall be produced before the nearest magistrate within twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest.

10. (1) The Chief Commissioner may, by notification, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the form in which the conditions and restrictions subject to which, and the fee not exceeding rupees fifty on payment of which, a pass under section 7 shall be granted.

7

**THE MANIPUR LAND REVENUE AND LAND
REFORMS ACT, 1960****Some Extracts**

Section 5 : (1) Each district shall be placed under the charge of a Deputy Commissioner who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Deputy Commissioner under this Act or any other Law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

(2) The additional Deputy Commissioner shall exercise all such powers and perform all such duties of the Deputy Commissioner or other revenue officer as the Administrator may specify by notification in the Official Gazette.

(3) Each sub-division shall be placed under the charge of a Sub-Divisional Officer.

(4) The extra-assistant commissioners shall exercise all such powers and perform all such duties of the Deputy Commissioner or other revenue officers as the Administrator may specify by notification in the Official Gazette.

(5) Each tehsil shall be placed under the charge of a Sub-Deputy Collector.

(6) The duties and powers of the Sub-Divisional Officers, the Sub-Deputy Collectors and other revenue officers shall be such as may be imposed or conferred on them by or under this Act or any other law in force for the time being or any general or special order of the Administrator in the Official Gazette.

Section 112 : The rent payable by a tenant in respect of any land held by him shall not exceed,—

- (a) Where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the landowner and one-fifth of such

produce or its value as so estimated if plough cattle is not supplied by the landowner ;

- (b) in any other case, four times the land revenue payable in respect of the land.

Section 136 : No person either by himself, or, if he has a family together with any other member of his family shall, whether as a landowner or as a tenant or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five acres in the aggregate :

Provided that, where the number of members of the family of such person exceeds five, he may hold five additional acres for each member in excess of five, so, however, as not to exceed fifty acres in the aggregate.

Explanation :—In the case of a company, an association or any other body of individuals, the ceiling limit shall be twenty-five acres.

Section 150 : (1) The Administrator may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of Section 136—

- (a) Any land which is being used for growing tea, coffee or rubber.
- (b) Any sugarcane farm operated by a sugar factory.
- (c) Any specialized farm which is being used for cattle breeding or wool raising.
- (d) any person who holds compact block land exceeding the ceiling limit which—
 - (i) is being used as an orchard from the 1st day of January 1958, or
 - (ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Administrator, is being so efficiently managed that its break up is likely to bring a fall in production.
- (e) Any land which is being held by a Cooperative Society provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit.

8

THE TRIPURA LAND REVENUE AND LAND
REFORM ACT, 1960

Some Extracts

Section 5 : (1) Each district shall be placed under the charge of a Collector who shall be incharge of the Revenue Administration of the district and exercise the powers and discharge the duties of the Collector under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

(2) Each sub-division shall be placed under the charge of a Sub-Divisional Officer.

(3) Each circle or tehsil shall be placed under the charge of a Circle Officer or a Tehsildar as the case may be.

Section 111 : The rent payable by an under-raiyat in respect of any land held by him shall not exceed :—

- (a) Where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the *raiyat* and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the *raiyat*.
- (b) in any other case, four times the land revenue payable in respect of the land.

Section 164 : No person either by himself or if he has a family together with any other member of his family shall, whether as a raiyat or an under raiyat or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five standard acres in the aggregate.

Provided that where the number of members of the family of such persons exceeds five he may hold five additional

standard acres for each member in excess of five, so, however, as not to exceed fifty standard acres in the aggregate.

Explanation :—In the case of a company, an association or any other body of individuals the ceiling limit shall be twenty-five standard acres.

Section 187 : No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless :—

- (a) The transfer is to another member of the Scheduled Tribes or
- (b) where the transfer is to a person who is not a member of any such tribe, it is made within the previous permission in writing of the Collector; or
- (c) the transfer is by way of mortgage to a Cooperative Society

9

THE DADRA AND NAGAR HAVELI ACT, 1961

Some Extracts

4. (1) Until other provision is made by law, as from the commencement of this Act the Varishtha Panchayat shall have the right to discuss and make recommendations to the Administrator on

(a) matters of administration involving general policy and schemes of development ;

(b) any other matter referred to it by the Administrator.

(2) The functions of the Varishtha Panchayat referred to in this section will be advisory only but due regard shall be given to such advice by the Administrator in reaching decisions on the matter in relation to which the advice is given.

(3) No act or proceeding of the Varishtha Panchayat shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

(4) Every member of the Varishtha Panchayat shall before entering upon his duties under this Act make and subscribe before the Administrator an oath or affirmation.

5. Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Dadra and Nagar Haveli, all judges, magistrates and other officers and authorities who immediately before the appointed day were exercising lawful function in Dadra and Nagar Haveli or any part thereof shall until other provision is made by law, continue to exercise in connection with the administration of Dadra and Nagar Haveli their respective functions in the same manner and to the same extent as before the appointed day.

10. The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to Dadra and Nagar Haveli any enactment which is in force in a State at the date of the notification.

11. As from such date as the Central Government may, by notification in the Official Gazette, specify the jurisdiction

of the High Court at Bombay shall extend to Dadra and Nagar Haveli.

12. For the purpose of facilitating the application of any law in Dadra and Nagar Haveli, any court or other authority may construe any such law with such alterations not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

13. (1) If any difficulty arises in giving effect to the provisions of this Act or in connection with the administration of Dadra and Nagar Haveli, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the difficulty.

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day.

14. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the manner in which casual vacancies in the Varishtha Panchayat may be filled.
- (b) the meetings of the Varishtha Panchayat, the conduct of business and the procedure to be followed at such meetings ;
- (c) any other matter which has to be, or may be prescribed .

(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of that session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10

STATEMENT REGARDING ADMINISTRATIVE SET UP
OF THE UNION TERRITORIES BEFORE THE LOK
SABHA ON DECEMBER 7, 1961.

[Reproduced from the Lok Sabha Debates with permission of
the Honourable Speaker.]

Some Extracts

The purpose of the Central Government assuming the direct responsibility for the administration of these economically backward territories has been to ensure that the pace of their economic development is speeded up. The House is aware that under the existing arrangements these territories have received increasing attention of the Central Government and have made all-round progress. The tempo of their development during the last five years has been much faster than before and the total allocation for the Second Five Year Plan for the territories of Himachal Pradesh, Manipur and Tripura which was a little over three times the First Five Year Plan outlay has been fully utilized....

Our basic approach is to accord an opportunity to the representatives of the people to develop their territories and also give them a feeling of genuine participation in the running of the administration. In order to give effect to this approach, it seems essential that all work relating to development should be transferred to the Territorial Councils. This will include subjects like education beyond the secondary stage, all medical institutions, agriculture, animal husbandry, cooperatives, panchayats, industries and supplies, labour and employment, roads and buildings, irrigation and electricity. This list is only illustrative and not exhaustive and the point whether any other department should be transferred can be further considered. Some other subjects, however, will have to be kept out, such as law and order, administration of justice, revenue administration, excise and taxation. These may continue to be the responsibility of the Administrator.

The important point is the participation of the People's

representatives in the administration of the transferred subjects and departments. The point to consider is if there could be a set up which would be responsible to the Territorial Council and also do executive work. This may be done by setting up an Executive Committee in each territory with the Chairman of the Territorial Council at the head to discharge the executive functions of the Territorial Councils, but this is a point that will have to be examined more carefully.

11

THE PONDICHERRY (ADMINISTRATION) ACT, 1962

Some Extracts

Section 3. Officers and functionaries in relation to Pondicherry :

Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Pondicherry, all courts, tribunals, authorities and officers, whether in India or in the former French Establishments, who immediately before the appointed day, were exercising lawful functions in connection with the administration of those establishments or any part thereof, including the Council of Government and the Representative Assembly, shall unless otherwise directed at any time by the Central Government or the Administrator in relation to any such court, tribunal, authority or officer, or until other provision is made by law, continue to exercise in connection with the administration of Pondicherry their respective power and jurisdiction and perform their respective duties and functions in the same manner and to the same extent as before the appointed day with such altered designation, if any, as that Government may determine.

Section 4. Continuance of existing laws and their adaptation :

(1) All laws in force immediately before the appointed day in the former French Establishments or any part thereof shall continue to be in force in Pondicherry until amended or repealed by a competent Legislature or other competent authority.

Provided that references in any such law to the President or Government of the French Republic shall be construed as references to the Central Government references to the Governor of the French Establishments in India to the Commissioner of the Republic for the French Establishments in India, to the Chief Commissioner for the French Establishments to the Chief Commissioner of the State of Pondicherry or to the Chief Commissioner, Pondicherry shall be construed as references to the Administrator of Pondicherry and references to the State of Pondicherry shall be construed as references to Pondicherry.

(2) For the purposes of facilitating the application of any such law in relation to the administration of Pondicherry and for the purpose of bringing the provisions of the Constitution, the Central Government may, within three years from the appointed day, by order, make such adaptations and modifications, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made.

Section 9. Extension of the Jurisdiction of the Madras High Court to Pondicherry :—

As from the 6th of November, 1962, the jurisdiction of the High Court shall extend to Pondicherry.

Section 13. Validation of certain orders and decrees :—

(1) Every order or decree purported to have been made by the Cour De Cession, the Cour Superior'd' Arbitrage or the Conseil'd 'Etat of France during the period commencing on the first day of November, 1954, and ending on the appointed day, in any appeal or other proceeding from or in respect of any judgment, decree or order of any court, tribunal or other authority in the former French Establishments shall be deemed to have been validly made, in accordance with law ; and shall for all purposes have effect as if it were an order or a decree made by the High Court in the exercise of the jurisdiction conferred by this Act.

(2) Notwithstanding anything contained in sub-section (1), where any decision has been rendered after the 17th March, 1960, by any court in France in any case in which the respondent had no opportunity to appear for want of service of summons transmitted through the Administration of the former French Establishments such decision shall be deemed never to have been rendered and shall be deemed to be pending before the court by which such decision was rendered and accordingly stand transferred to the High Court or, as the case may be to the court in Pondicherry corresponding to the court in France in which the case shall be deemed to be pending.

(3) As soon as may be, after the 6th day of November, 1962, the Administrator shall transmit to the High Court or, as the case may be, to the corresponding court, the record of every such case as is referred to in sub-section (2) together with a certificate that the summons in that case were not served on the respondent.

12

**THE GOA, DAMAN AND DIU (ADMINISTRATION)
ACT, 1962****Some Extracts*****Section 4. Officers and Functionaries in relation to
Goa, Daman and Diu.***

Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Goa, Daman and Diu, all judges, magistrates and other officers and authorities who, immediately before the commencement of this ordinance, were exercising lawful functions in connection with administration of Goa, Daman and Diu or any part thereof shall, unless otherwise directed at any time by the Central Government in relation to any such judge, magistrate or other officer or authority, or until other provision is made by law, continue to exercise in connection with such administration their respective functions in the same manner and to the same extent as before such commencement with such altered designation, if any, as that Government may determine.

***Section 5. Continuance of Existing Law and their
Adaptation :***

(1) All laws in force immediately before the appointed day in Goa, Daman and Diu or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority.

(2) For the purpose of facilitating the application of any such law in relation to the administration of Goa, Daman and Diu as a Union Territory and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may within two years from the appointed day, by order, made such adaptations and modifications, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made.

Section 6. Power to extend enactments to Goa, Daman and Diu :

The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to Goa, Daman and Diu any enactment which is in force in a State at the date of notification.

Section 7. Extension of the jurisdiction of Bombay High Court to Goa, Daman and Diu :

As from such date as the Central Government may, by notification in the Official Gazette, specify, the jurisdiction of the High Court at Bombay shall extend to Goa, Daman and Diu.

Section 9. Validation of certain Action and indemnity of Officers for certain Acts :

(1) All things done and all action taken (including any acts of executive authority, proceedings, decrees and sentences) in or with respect to Goa, Daman and Diu on or after the appointed day and before the commencement of this Act, by the Administrator or any other officer of Government, whether civil or military, or by any other person acting under the orders of the Administrator or such officer, which have been done or taken in good faith and in a reasonable belief that they were necessary for the peace and good government of Goa, Daman and Diu, shall be as valid and operative as if they had been done or taken in accordance with law.

(2) No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie against the Administrator or any other officer of Government, whether civil or military, or against any other person acting under the orders of the Administrator or such other officer for, or on account of, or in respect of, anything done or any action taken in Goa, Daman and Diu or any part thereof on or after the appointed day and before the commencement of this Act, which has been done or taken in good faith and in a reasonable belief that it was necessary for the peace and good government of Goa, Daman and Diu.

Provided that if any such suit or other legal proceeding has been instituted before the commencement of this Act, it shall, on such commencement, abate.

13

**THE GOVERNMENT OF UNION TERRITORIES
ACT, 1963****Some Relevant Extracts*****Section 3 : Legislative Assemblies for Union Territories
and their composition :—***

1. There shall be a Legislative Assembly for each Union Territory ;
2. The total number of seats in the Legislative Assembly of a Union Territory to be filled by persons chosen by direct election shall be forty in the case of the Union Territory of Himachal Pradesh and thirty in the case of any other Union Territory.
3. The Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of the Legislative Assembly of a Union Territory.
4. Seats shall be reserved for Scheduled Castes and the Scheduled Tribes in the Legislative Assembly of every Union Territory other than the Union Territory of Goa, Daman and Diu.
5. The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any Union Territory under sub-section (4) shall bear; as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the Union Territory or of the Scheduled Tribes in the Union Territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the Union Territory.

***Section 9 : Right of Administrator to address and send
messages to Legislative Assembly.***

1. The Administrator may address the Legislative Assembly and may for that purpose require the attendance of the members.

2. The Administrator may also send messages to the Assembly whether with respect to a bill then pending in the Assembly or otherwise and when a message is so sent, the Assembly shall with all convenient despatch consider any matter required by the message to be taken into consideration.'

Section 19 : Exemption of property of the Union from Taxation :—

The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly of a Union Territory or by or under any other law in force in a Union Territory.

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within a Union Territory from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution, liable or treated as liable, so long as that tax continues to be levied in that Union Territory.

Section 22 : Sanction of the Administrator required for certain legislative proposals :—

No bill or amendment shall be introduced into, or moved in the Legislative Assembly of a Union Territory without the previous sanction of the Administrator, if such bill or amendment makes provision with respect to any of the following matters, namely :—

- (a) Constitution and organisation of the Court of the Judicial Commissioner;
- (b) Jurisdiction and powers of the Court of the Judicial Commissioner with respect to any of the matters in the State List or the Concurrent list in the Seventh Schedule to the Constitution.

Section 27 : Annual Financial Statement :—

1. The Administrator of each Union Territory shall in respect of every financial year cause to be laid before the Legislative Assembly of the Union Territory, with the previous

approval of the President, a Statement of the estimated receipts and expenditure of the Union Territory for that year, in this part referred to as the "Annual Financial Statement."

Section 40 : Representation of Pondicherry in the House of the People :—

There shall be allotted one seat to the Union Territory of Pondicherry in the House of the People and that Union Territory shall form one Parliamentary Constituency.

Section 44 : Council of Ministers :—

1. There shall be a Council of Ministers in each Union Territory with the Chief Minister at the head to aid and advise the Administrator in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the Union Territory has power to make laws except in so far as he is required by or under this Act to act in his discretion or by or under any law to exercise any judicial or quasi-judicial functions.

Provided that, in case of difference of opinion between the Administrator and his Ministers on any matter, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

2. In the exercise of his functions the Administrator of each of the union Territories of Himachal Pradesh, Manipur and Tripura shall have special responsibility for the security of the border and for that purpose he may issue such direction and take such measures as he may think necessary.

3. If and in so far as any special responsibility of the Administrator is involved under this Act, he shall, in the exercise of his functions, act in his discretion.

4. If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.

5. If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.

6. The question, whether any, and if so what, advice was tendered by Ministers to the Administrator shall not be inquired into in any court.

Section 46 : (2) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Administrator.

Section 47 : (3) The custody of the Consolidated Fund of a Union Territory, the payment of money into such fund, the withdrawal of money therefrom, and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Administrator with the approval of the President.

Section 51 : Provision in case of failure of Constitutional Machinery :—

If the President, on receipt of a report from the Administrator of a Union Territory or otherwise, is satisfied :

- (a) that a situation has arisen in which the administration of the Union Territory cannot be carried on in accordance with the provisions of this Act or
- (b) that for the proper administration of the Union Territory it is necessary or expedient so to do, the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union Territory in accordance with the provisions of Art. 239.

14

THE DELHI ADMINISTRATION ACT, 1966.

NO. 19 OF 1966.

An Act to provide for the administration of the Union Territory of Delhi and for matters connected therewith.

Some Extracts

Section 3 : (1) There shall be a Metropolitan Council for Delhi.

(2) The total number of seats in the Metropolitan Council to be filled by persons chosen by direct election from territorial constituencies shall be fifty-six.

(3) The Central Government may nominate not more than five persons, not being persons in the service of Government, to be members of the Metropolitan Council.

(4) Seats shall be reserved for the Scheduled Castes in the Metropolitan Council and the number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the Metropolitan Council as the population of the Scheduled Castes in Delhi bears to the total population of Delhi :

Provided that the reservation of seats for the Scheduled Castes in the Metropolitan Council shall cease to have effect on the same date on which the reservation of seats for the Scheduled Castes in the House of the People shall cease to have effect under Article 334, but such cases shall not affect any representation of the Scheduled Castes in the Metropolitan Council until the dissolution of the existing Metropolitan Council.

(5) For the purposes of this section and section 4, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Section 6 : A person shall not be qualified to be chosen to fill a seat in the Metropolitan Council unless he—

- (a) is an elector for any constituency and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule ;
- (b) is not less than twenty-five years of age ; and
- (c) in the case of a constituency reserved for the Scheduled Castes is also a member of any of those castes.

Section 10 : The Metropolitan Council, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and at the expiration of the said period of five years shall operate as a dissolution of the Metropolitan Council.

Provided that the said period may, while a Proclamation of Emergency issued under Clause (1) of Article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

Section 11 : (1) The Administrator shall, from time to time, summon the Metropolitan Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Administrator may, from time to time—

- (a) prorogue the Metropolitan Council ;
- (b) with the approval of the President, dissolve the Metropolitan Council.

Section 12 : (1) The Metropolitan Council shall, as soon as may be, choose two members to be respectively Chairman and Deputy Chairman thereof, and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Metropolitan Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

(2) A member holding office as Chairman or Deputy Chairman:—

- (a) Shall vacate his office if he ceases to be such a member ;
- (b) may be at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office ; and
- (c) may be removed from his office by a resolution of the Metropolitan Council passed by a majority of all the then members :

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution :

Provided further that, whenever the Metropolitan Council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Metropolitan Council after the dissolution.

(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant, by such member as may be determined by the rules of procedure of the Metropolitan Council.

(4) During the absence of the Chairman from any sitting of the Metropolitan Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Metropolitan Council, or, if no such person is present, such other person as may be determined by the Metropolitan Council, shall act as Chairman.

(5) The Chairman and Deputy Chairman shall be entitled to such salaries and allowances as the President may, by order, determine.

Section 22 : (1) Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters in so far as they relate to Delhi, namely :—

- (a) proposals for undertaking legislation with respect to

any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union Territories.

- (b) proposals for extension to Delhi of any enactment in force in a State relating to any matter enumerated in the State List or the Concurrent List ;
- (c) proposals for legislation referred to it by the Administrator with respect to any of the matters enumerated in the State List or the Concurrent List ;
- (d) the estimated receipts and expenditure pertaining to Delhi to be credited to and to be made from, the Consolidated Fund of India ; and notwithstanding anything contained in the Delhi Development Act, 1957, the estimated receipts and expenditure of the Delhi Development Authority ;
- (e) matters of administration involving general policy and schemes of development in so far as they relate to matters enumerated in the State List or the Concurrent List ;
- (f) any other matter referred to it by the Administrator.

(2) The recommendations of the Metropolitan Council, after having been duly considered by the Executive Council, shall, wherever necessary, be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council.

Section 27 : (1) There shall be an Executive Council, consisting of not more than four members one of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State List or the Concurrent List, except in so far as he is required by or under this Act to exercise his functions or any of them in his discretion or by or under any law to exercise any judicial or quasi-judicial functions :

Provided that, in case of difference of opinion between the Administrator and the members of the Executive Council on any

matter, other than a matter in respect of which he is required by or under this Act to act in his discretion, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision, it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary :

Provided further that every decision taken by a member of the Executive Council or by the Executive Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Administrator, and nothing in this subsection shall be construed as preventing the Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary.

(2) The Administrator shall preside at every meeting of the Executive Council, but if he is obliged to absent himself from any meeting of the Council owing to illness or any other cause, the Chief Executive Councillor shall preside at the meeting of the Council.

(3) The functions of the Administrator with respect to law and order in Delhi including the organisation and discipline of police force, and with respect to such other matters as the President may from time to time specify in this behalf, shall be exercised by him in his discretion.

(4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.

(5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by or under any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.

(6) If any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Administrator thereon shall be final.

(7) The question whether any, and if so, what advice was tendered by any member of the Executive Council to the Administrator shall not be enquired into any court.

Section 28 : (1) The members of the Executive Council shall be appointed by the President.

(2) The members of the Executive Council shall hold office during the pleasure of the President.

(3) Before a member of the Executive Council assumes office, the Administrator shall administer to him the oath of office and of secrecy according to the forms set out for the purpose in the Schedule.

(4) A member of the Executive Council who for any period of six consecutive months is not a member of the Metropolitan Council shall, at the expiration of that period, cease to be a member of the Executive Council.

(5) The salaries and allowances of the members of the Executive Council shall be such as the President may, by order, determine.

Section 30 : Notwithstanding anything in this Act, the Administrator and the members of the Executive Council shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

Section 31 : If President, on receipt of a report from the Administrator or otherwise, is satisfied—

- (a) that a situation has arisen in which the administration of Delhi cannot be carried on in accordance with the provisions of this Act ; or
- (b) that for the proper administration of Delhi it is necessary or expedient so to do,

The President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering Delhi in accordance with the provisions of Article 239.

15

PUNJAB BOUNDARY COMMISSION REPORT

(31ST MAY, 1966)

SHAH COMMISSION REPORT

Relevant Extracts

Section 120 : The Capital Project and the controlled area were clearly intended to constitute a composite unit, and the restrictions imposed by the Act cannot be removed without seriously damaging the distinctive character and utility of the Capital Project as a growing urban unit. It is true that in 1963, the controlled area was extended to cover a much larger territory over a distance of 10 miles from the boundary of the Capital on all sides and thereby covering parts of Sirhind and Rajpura tehsils (both in District Patiala) and parts of Naraingarh tehsil (in District Ambala.)

Section 121 : In making this Division, we may not be justified in giving effect to this extended controlled area, but to maintain the distinctive character of Chandigarh Project and bearing in mind its requirements for its future development, it is necessary that the control imposed by the notification of September 5, 1953, should be maintained. The controlled area covers a large part of tehsil Khurda both in the Punjabi Region and the Hindi Region, and if Chandigarh Capital Project is to be maintained for the purpose, for which it was conceived and developed, the project and the controlled area must be treated as a composite unit and placed in one State.

Section 125 : It is said that most of the owners of plots who are described as residents of Chandigarh are migrants from West Pakistan and they must be regarded as Punjabi speaking. For this also there is little support. The economy of Chandigarh is bound up with both Punjabi and Hindi-speaking regions and the facility of communications is evenly distributed between the two regions. There is no ground of administrative convenience on which the claim for inclusion of Chandigarh in the Punjabi Region may be accepted. The town of Chandigarh is in the far South-East corner of the Punjabi Region, and in the North-East corner of the Hindi Region. The circumstances that the national highway and the railway line

which connect Chandigarh with Ambala pass through Rajpura tehsil, is not a ground on which the linguistic principle may be permitted to be upset.

Section 13D : We recommend that Kharar tehsil, including the Chandigarh Capital Project, be merged with the Hindi Speaking State.

Note of Dissent by Mr. S. Dutt, Member Punjab Boundary Commission.

Para 5.—The Commission's terms of reference preclude any recommendation that a particular area should be bilingual. Chandigarh cannot therefore remain bilingual and has to be merged either with the Hindi-speaking State or with the Punjabi-speaking area, if the tehsil area is to be divided between the two new States.

Para 6.—In considering the merger of Chandigarh with either area of the Tehsil and indeed in considering the merging of the tehsil as a whole, the future of Chandigarh as a Capital will have to be borne in mind.... Having regard to the geographical situation of Chandigarh, it is obvious that the development of Chandigarh would be seriously hampered if the present line of division of the Kharar tehsil were to be maintained as the boundary between the two new States. There is, therefore, no escape from the conclusion that Kharar tehsil inclusive of Chandigarh Capital Project area should not be divided between the Punjabi and Haryana States.

Para 9. Chandigarh is a developing Capital and its population has not been integrated with the population of the surrounding rural areas of the tehsil or district in the same manner as, say, the population of Ambala, Jullundur and Patiala and other large towns neighbouring rural areas. I, therefore, think that on this ground also there is some justification for disregarding the non-permanent residents of Chandigarh in considering the merger with one of the two new States.

Para 14. If Chandigarh is merged with the Punjabi State, Haryana will be faced with the immediate problem of finding a Capital or Headquarters from which the new Government can function. It is for serious consideration whether for the first year or so in any case Chandigarh might not serve as the Joint Capital of the two States by mutual agreement among the parties concerned.

16

THE PUNJAB REORGANISATION ACT, 1966

Some Extracts

Section 4. On and from the appointed day, there shall be formed a new Union Territory to be known as the Union Territory of Chandigarh comprising such of the territories of Manimajra and Manauli Kanungo circles of Kharar tehsil of Ambala district in the existing State of Punjab as are specified in the Second Schedule and thereupon the territories so specified shall cease to form part of the existing State of Punjab.

Section 29. (1) On and from the appointed day,

- (a) there shall be a common High Court for the States of Punjab and Haryana and for the Union Territory of Chandigarh to be called the High Court of Punjab and Haryana.
- (b) the Judge of the High Court of Punjab holding office immediately before that date shall, become on that day the judges of the common High Court.

(2) The expenditure in respect of salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Punjab and Haryana and the Union in such proportion as the President may, by order, determine.

Section 72. (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Punjab or any part thereof serves the needs of the successor States or has, by virtue of the provisions of Part II, become an inter-State body corporate, then the body corporate shall on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day subject to such directions as may from time to time be issued by the Central Government until other provision is made by law in respect of the said body corporate.

(2) Any direction issued by the Central Government under sub-section (1) in respect of any such body corporate

may include a direction that any law by which the said body corporate is Governed shall, in its application to that body corporate, have effect, subject to such exceptions and modifications as may be specified in the direction.

(3) For the removal of doubt it is hereby declared, that the provisions of this section shall apply also to the Punjab University constituted under the Punjab University Act, 1947, the Punjab Agricultural University constituted under the Punjab Agricultural Act, 1961, and the Board constituted under the provisions of Part III of the Sikh Gurdwara Act, 1925.

(4) For the purpose of giving effect to the provisions of this section in so far as it relates to the Punjab University and Punjab Agricultural University referred to in sub-section (3) the successor States shall make such grants as the Central Government may, from time to time, by order, determine.

Section 87. The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to the Union Territory of Chandigarh any enactment which is in force in a State at the date of the notification.

17

SIXTH SCHEDULE

[ARTICLES 244 (2) AND 275 (1)]

PROVISIONS AS TO THE ADMINISTRATION OF
TRIBAL AREAS IN ASSAM

Some Extracts

Section 2. Constitution of District Councils and Regional Councils.

(1) There shall be a District Council for each autonomous district consisting of not more than twenty-four members, of whom not less than three-fourths shall be elected on the basis of adult suffrage.

(2) There shall be a separate Regional Council for each area constituted as autonomous region under sub-paragraph (2) of paragraph 1 of this Schedule.

(3) Each District and each Regional Council shall be a body corporate by the name respectively of "the District Council of (name of district)" and "the Regional Council of (name of region)," shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) Subject to the provisions of this Schedule, the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous region shall be vested in the Regional Council for such region.

(5) In an autonomous district with Regional Councils the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by this Schedule with respect to such areas.

(6) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation

with the existing Tribal Councils or other representative tribal organisations within the autonomous districts or regions concerned, and such rules shall provide for—

- (a) the composition of the District Councils and Regional Councils and the allocation of seats therein ;
- (b) the delimitation of territorial constituencies for the purpose of elections to those Councils ;
- (c) the qualifications for voting at such elections and the preparation of electoral rolls thereof ;
- (d) the qualifications for being elected at such elections as members of such Councils ;
- (e) the term of office of members of such Councils ;
- (f) and other matter relating to or connected with elections or nominations to such Councils ;
- (g) the procedure and the conduct of business in the District and Regional Councils ;
- (h) the appointment of officers and staff of the District and Regional Councils.

(7) The District or the Regional Council may after its first constitution make rules with regard to the matter specified in sub-paragraph (6) of this paragraph and may also make rules regulating—

- (a) the formation of Subordinate Local Councils or Boards and their procedure and the conduct of their business and
- (b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be :

Provided that until rules are made by the District or the Regional Council under this sub-paragraph the rules made by the Governor under sub-paragraph (6) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council :

Provided further that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, of the North Cachar

and Mikir Hills shall be the Chairman *ex-officio* of the District Council in respect of the territories included in items 5 and 6 respectively of Part A of the table appended to paragraph 20 of this Schedule and shall have power for a period of six years after the first constitution of the District Council, subject to the control of the Governor, to annul or modify any resolution or decision of the District Council or to issue such instructions to the District Council as he may consider appropriate, and the District Council shall comply with every such instruction issued.

Section 3. Powers of the District Councils and Regional Councils to make laws—

- (1) the Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils if any, within the district shall have power to make laws with respect to—
 - (a) the allotment, occupation or use, or the setting apart of land, other than any land which is a reserved forest, for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town :

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes by the Government of Assam in accordance with the law for the time being in force authorising such acquisition ;

- (b) the management of any forest not being a reserved forest ;
- (c) the use of any canal or water-course for the purpose of agriculture ;
- (d) the regulation of the practice of jhum or other forms of shifting cultivation ;
- (e) the establishment of village or town committees or councils and their powers ;

- (f) any other matter relating to village or town administration including village or town police and public health and sanitation ;
- (g) the appointment or succession of Chiefs or Headmen ;
- (h) the inheritance or property ;
- (i) marriage ;
- (j) social customs ;

(2) In this paragraph, a "reserved forest" means any area which is a reserved forest under the Assam Forest Regulation, 1891, or under any other law for the time being in force in the area in question.

(3) All laws made under this paragraph shall be submitted forthwith to the Governor and until assented to by him, shall have no effect.

Section 4. Administration of justice in autonomous districts and autonomous regions :—

(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the district may constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, to the exclusion of any court in the State, and may appoint suitable persons to be members of such village councils or presiding officers of such courts and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of this Schedule.

(2) Notwithstanding anything in this Constitution, the Regional Council for an autonomous region or any court constituted in that behalf by the Regional Council or, if in respect of any area within an autonomous district there is no Regional Council, the District Council for such district, or any court constituted in that behalf by the District Council,

shall exercise the powers of a court of appeal in respect of all suits and cases triable by a village council or court constituted under sub-paragraph (1) of this paragraph within such region or area as the case may be, other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, and no other court except the High Court and the Supreme Court shall have jurisdiction over such suits or cases.

(3) The High Court of Assam shall have and exercise such jurisdiction over the suits and cases to which the provisions of sub-paragraph (2) of this paragraph apply as the Governor may from time to time by order specify.

(4) A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating :—

- (a) the constitution of village councils and courts and the powers to be exercised by them under this paragraph ;
- (b) the procedure to be followed by village councils or courts in the trial of suits and cases under sub-paragraph (1) of this paragraph ;
- (c) the procedure to be followed by the Regional or District Council or any court constituted by such council in appeals and other proceedings under sub-paragraph (2) of this paragraph
- (d) the enforcement of decision and orders of such Councils and courts ;
- (e) all other ancillary matters for the carrying out of the provisions of sub-paragraph (1) and (2) of this paragraph.

Section 9. Licences or leases for the purpose of prospecting for, or extraction of, minerals, (1) such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of, minerals granted by the Government of Assam in respect of any area within autonomous district as may be agreed upon between the Government of Assam and the District Council of such district shall be made over to that District Council.

(2) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (1) of this paragraph to the District Council and the decision of the Governor shall be final.

Section 18. Application of the provisions of this Schedule to areas specified in Part B of the table appended to paragraph 20 (1) The Governor may—

- (a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any tribal area specified in Part B of the table appended to paragraph 20 of this Schedule or any part of such area and thereupon such area or part shall be administered in accordance with such provisions ; and
- (b) with like approval by public notification, exclude from the said table any tribal area specified in Part B of that table or any part of such area.

(2) Until a notification is issued under sub-paragraph (1) of this paragraph in respect of any tribal area specified in Part B of the said table or any part of such area, the administration of such area or part thereof, as the case may be, shall be carried on by the President through the Governor of Assam as his agent and provisions of Article 240 shall apply in that article.

(3) In the discharge of his functions under sub-paragraph (2) of this paragraph as the agent of the President the Governor shall act in his discretion.

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